

JUSTICE, SCIENCE AND RELIGION
AS CONTRIBUTIONS TO
CIVILIZATION

*Being Volume Five of Some Legal Foundations of Society.
Understanding, Purpose, Conciliation and Justice as Means
and Ends of Positive Law and Representative Government.*

BY
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INTRODUCTION

JUSTICE, LIBERTY AND EQUALITY are the highest virtues of man; and, like the kingdom of God, are within him as eternal aspirations rooted to his nature and in the higher law of nature as discerned by him. Individual freedom and equality of opportunity are self-seeking, but justice gives stability to order and to another his due; and so, is the true foundation of society and principle of humanity, being compensatory and not acquisitive.

Justice, moreover, is the greatest interest of man, his most delicate moral quality and sensitive determinant of his conscience. Since justice is right reason applied to action and human relations, there can be no justice without moral right, nor a moral right without an approving conscience. Thus justice, like prayer, is an exalted expression of purposive action, because it seeks for truth that is beneficent and for understanding which is the quest of all law and sole end of government.

Government is a mechanism of positive law; and law is more than a moral force or rule of action enforceable by sanctions of power. Being essentially a mental process of reconciliation, law is a science, a philosophy and an art of understanding and purpose.

Science classifies every observation of all manifestations of energy; and positive law as a science is knowledge of the mind of man systematized by precise logic as it affects his every action and relation. As a philosophy, law is the universal study of all principles that determine the causes, sequences and effects of human conduct from experience, but deepened and enlarged by all sources of human intelligence. Justice, however, conceives and contemplates the law that governs man as an art; since its purpose is to give everlasting expression to the highest aspiration of the human mind—a quest for freedom of thought and action, which science strives to make certain and philosophy seeks to define as just.

I

This book assumes as a concept of science and jurisprudence that government and justice under law are determined by cosmic forces and adapted to the uses of man by the conscience of his creative mind. Ten years ago that conception of universal energy found matured expression when *SOME LEGAL FOUNDATIONS OF SOCIETY* was published. The Foundations suggest a coalescence of the laws of nature and of man, which stem from the same evolutionary processes and result in similar uniformities of conduct in jurisprudence and of energy in nature. The series consists of three theses, in so many volumes, on *UNDERSTANDING*, *PURPOSE* and *CONCILIATION*; and as a whole, constitutes an introduction to the study of human polity with psychological, sociological and economic approach to the ultimates of individual freedom and universal justice.

These books were the spade work for the fourth treatise, just published, on *JUSTICE UNDER LAW AND FOR HUMANITARIANISM*; which supplements and applies the above theory of cosmic energy and philosophy of life in outline therein developed.

This foreword should quote some short excerpts from the preceding volumes in order to give comprehensiveness to the science-philosophy of the whole treatise:

UNDERSTANDING, the first volume, "gives consideration to the human mind as the creative force in the change of energy * * * from lower to higher levels, with each emergent level retaining vestiges of the level from which it evolved. The assumption will be indulged of the purposive energies of nature as conceived by Erasmus Darwin and as contrasted with the chance determinism of his grandson, who made a world think in terms of change."

"Understanding is the essence and meaning of all legal relations. A purposive striving attends all energy * * *; and cooperation, compromise and conciliation are the mental processes which define the means by which man through all time has struggled for individual self-

mastery, group self-government and finally, has achieved justice under law."

The second volume on PURPOSE "will fail * * * if it does not demonstrate the perilous implications of Charles Darwin's dogma of mechanistic determinism, which would make man the chance puppet of physical forces and the supine victim of * * * despondency * * * without any control over the energies that govern the relations or destination of his life."

"The vital issue that now divides mankind is the struggle between individualism and Marxism; and it will be solved either by the resurgence of animal selfishness and ultimate arbitrament of class wars or by an enlightened self-interest in compromise, to the end that successive understandings shall keep in coordinated balance individual enterprise and communal welfare."

The pragmatic aspect of this volume follows:

"The nature and uses of private property and * * * capitalism are within the sole control of * * * individual electors and their representatives. It is through the power of the people's representatives over taxation, commerce and money that the present uses and ownership of property and the distribution of the profits of industry are regulated and defined * * *; and herein lie the most delicate and momentous functions of government and of law determinative of the destinations of the individual and the state."

CONCILIATION "emphasizes * * * mind as a creative and directive energy in the development of man and his institutions; and discloses the antithesis in conflict * * * and the complements of competition and cooperation in mutual aid as means to righteous ends."

"There is one assumption that dominates all conflicts of ideas in antithesis—that human society is not determined alone by the blind forces of environment, * * *, but is directed by the wise and just purposes of his mind. It is from this assumption the challenges that confront and often confound mankind stem * * * of cooperation, class, compromise and justice."

"The theory of Marxism has no place in the American tradition, which has abolished all classes * * * of social or political power. The characteristic * * * of our Constitution is that reconciliation and not conflict is the fundamental of our civil liberties, which * * * have not been for a class, but are for all men—and this because the individual is the unit of our democracy."

This third volume makes the practical observation:

"The demand now is for that justice which will not only give democracy to economy and efficiency to production, but also will humanize the conditions of labor, meliorate tasks and socialize the profits by their just distribution among all the workers."

"The instant solution would seem to lie in the utilization of tax exemptions or credits or other legislative incentives to induce employers, in * * * intelligent self-interest, voluntarily to adopt some plan for the sharing of profits."

II

Some minds in their too deep loyalty to pure science have disapproved the manner of approach of the fourth volume on JUSTICE UNDER LAW to the sciences. They say the book's attempt "to give a scientific explanation of man's sense of morality" is not sustainable as applied science, since "science has no way of dealing with * * * justice."

But is not the essence of pure science merely understanding "the key phenomenon that unlocks the complexities of energies," just as reconciling those in disagreement is a distinctive feature of tolerance and the essential of justice?

The life relations suggested in JUSTICE UNDER LAW, however, are formulated neither as pure nor applied science, nor as a philosophy of law nor religious dogma. The endeavor has been "to rationalize the strivings of mankind and to give some understandings of universal justice to human wants and aspirations as the * * * challenge and creator of civilization."

It is as a mere thinker environed by the infinite expanse of human

intelligence and not as an expert feathered with labels of its specialized aspects that the solution of the problem of cosmic *purpose* should be approached.

The pure scientist, moreover, confidently avows: "Science doesn't know and cannot find out" purpose. But notwithstanding the failure of "science to express in terms of mathematical formula one eternal law as the explanation of all motion and diversity," the human mind never has ceased its search for an ultimate force or foundation law, or for those principles which define or explain the relations of all particular fields of forces with a basic uniformitarian energy process.

It also may be suggested both pure and applied scientists but emphasize the failure of isolated and divisive treatment in modern thought when they point out that Huxley failed "to explain man's moral * * * in the light of his physical evolution," as also, when they contend science cannot "deal" with purpose.

For did not Huxley in his denial of either a dynamic synthesis or of a creative energy in defense of the Charles Darwin dogma of determinism and does not the mind of pure science in its "want to separate science from mind as much as possible," over-stress formula and but dogmatize an amoral science into a cosmos without purpose? And this solely because both have ignored life as a manifestation of energy and all continuity of aspiration since mind first pondered cause and detected effect.

The references which the fourth volume makes to the contributions of JUSTICE, SCIENCE AND RELIGION TO CIVILIZATION are limited because of the author's purpose to devote this fifth volume to those enlightening aspects of the evolution of mankind and manifestations of its greatest pragmatic value.

Since the publication of the first volume, the regret that: "It is too much to hope * * * his volumes will reach all * * * of those who might richly profit thereby"; the request "that the treatise should not end without some summary" of the science-philosophy of the four volumes demonstrative of its significance to world affairs; and the momentous happenings of

the last two years affecting every people on this earth—all urge the early publication of this volume, in completion and in summary of the series on *Some Foundations of Society and Contributions to Civilization*.

III

These problems arise out of the revolutionary changes in human affairs of the first half of the present century; and relate to their effects on the thought, institutions and conduct of man, their ultimate impact on his justice and involve three aspects or expressions of human action.

(1) *The judicial process* at long last has determined a foundation rule that vests in the people absolute power (a) to determine the form and functions of government deemed for their welfare; and also, in satisfaction of their wants, (b) how to define the nature of property, its possession or use.

(2) *The ideologies of chance or purpose* as the source of change, of freedom or authority in government and of individualism or statism in economy that always have divided man, now confront the liberty and confound the justice of Western culture with the zealot violences of Marxist despotism—the antithesis of class war with the determination of free men to rule themselves for self-realization.

(3) *The greatest opportunity* in economy and government that has ever moved the human mind to action has now come to the leaders of Western culture, because of largest potential doing of justice. And on them rests the heaviest responsibility, in event of indifference to the momentous nature of their choice or to their blunder of self-aggrandizement.

When the Supreme Court of the United States in two epochal decisions gave finality to the power of Congress and the Executive to raise and distribute public revenues for the general welfare, it brought to the fore in American economy and politics the universal ideologies that are in global conflict. The freedom and individualism of the United States and of every parliamentary government of the West are today in conflict with the forces of an alien culture—Marxism in economy and dictatorship in government.

The basic political philosophy of our government is that of limitations on power to the end of justice by protecting minorities not only of a group but of its lowliest citizen against the tyranny and usurpation of numbers or of a dominant group in temporary power. And so in final analysis, the ultimate purpose of government is neither personal freedom nor the general welfare alone but, as complementary to the sanctity of justice to the individual, is his right to have rights and the equality of opportunity to realize them.

Representative democracy must then be solved in its dual aspects—by the individual's choice of the mechanisms of government and of his participation in national economy. The failure to apprehend the relation between and inter-dependence of these phases of democracy has led to opposed patterns of action and to radically different philosophies.

The pendulum is now swinging towards centralization in political coordination with collectivistic action; and now rests in a position of peril, because of the ease with which taxation for the public welfare can be utilized for the revolutionary purpose of redistributing the wealth of the nation.

A free people imbued with a sense of justice and endowed with faith in individualism must array the traditional concepts of American individual enterprise and freedom against Marxist revolutionary aggressions of world violences that expose the savings of the people as capital in production, profits made or wealth accumulated to a confiscatory taxation that panders to an alluring delusion of public welfare that first enervates and then slowly destroys a free people.

IV

These two decisions make logical the paralous conclusion that no change is now necessary in our fundamental law legally to make Marxism an actuality. The BUTLER CASE adopts the Hamilton-Storey construction and concludes that the general welfare must be read as the ultimate purpose of the power to tax. The DAVIS decision sustained the tax for security and

old age and unemployment, which, admittedly, are problems not within any express or implied congressional power. Thus it must be concluded the power to tax and spend alone for the general welfare is within legislative discretion, and is without constitutional restraint of any nature other than that states or people shall not be coerced in the use of reserved powers.

The existence of this fundamental power has not come to the full consciousness of the American people and few realize its significant possibility to weaken and finally to abolish private property. Moreover, there are no constitutional limits to the Federal debt and the Sixteenth Amendment does not provide any limitation on the amount that may be taken in taxation. It is this judicial process that has made possible, and these omissions from the Constitution that make imminent, the menace of Marxism and national bankruptcy.

And so the foundation institution of private property is without any absolute right under the Constitution, which the Congress and the President must respect, and the taxable is exposed to the loss of inherent reserved rights most vital to the development of his character as a citizen and for his government to exercise, if the Western culture of individual freedom is to endure.

Nor dare we now forget the profound words of our Supreme Court which imposes the greatest responsibility that ever rested on personal choice. For let no American elector forget that "not the courts," nor the Constitution, but his intelligence and self-interest as expressed by his vote "at the polls" is now the only "protection against abuses of legislation."

The will of the individual voter is now the one restraint under the Constitution on the redistribution of the individual wealth of the nation in exercise of the power to tax private property, or on the regimentation of business, or the confiscation of capital charged with the public interest. And he alone as elector can prevent the waste of the food and wealth of a nation by the profligate spending of public money to the abasement of its workers, the corruption of its citizens and emasculation of their manhood and final destruction of their representative government.

Approve or condemn the changes in our fundamental law, we cannot evade their basic nature or ignore their revolutionary significance; for the question that searches our minds is—whether the experiment of legislative rule, without constitutional checks, is also without instant peril either to private property or to those traits of human nature that have made the American way of individual initiative and free enterprise the justice of world economy.

Two hundred and fifty odd years ago, man forever ended the authority of hereditary privilege and power; and in the assertion of his individualism, he gave a new meaning to human liberty. Secure in his present freedoms, he wills that the power of all shall coerce to the general welfare the anti-social individual, whether employer or worker, and shall subdue the outlaw nation to world order and peace for longer periods. Thus, society in the attainment of its highest level now exacts from all peoples, as nations and as individuals, the duty of universal justice, which alone can stay the chaos of atomic warfare.

V

The Manifesto of International Communism, a century ago to the year, was promulgated as its conception of the political and economic revolutions that then convulsed the continent of Europe. These violences, in its declarations, did more than express the purpose of the people to achieve for Europe a modicum of that political liberty which nationalism and the constitutional governments of England and America guarantee. Marx for the first time in world polity posed the problem of unemployment and want. He offered, in imitative adaptation of Charles Darwin, survival of the fittest in class struggles that transcend nations and the ownership and control of property by a police state, established by violence, as the solutions for the ills of economy and government.

Marxism is contrary to every conception of the Western mind; but following the Russian Revolution within decades, now dominates the governments of the peoples who dwell within nine of the nations of Europe and almost all of China, the heart of Asia.

It is this headon confrontment of antithetical root ideologies that imperils world civilization, renders the lessons of past revolutions barren and makes the present world crisis of far reaching destiny. This awe provoking fact probably is more generally realized than the seeming utter indifference of many reflective minds to the full significance and meaning of the, here recast from Justice, instant conditions of society and things by it accomplished for the future of man and his governance, as applied by and for the people of America and by them now striving to give to all peoples on earth.

1. Since man is not the master of his ideas and law cannot control their effect on other minds, the individual must be free both to contribute and respond to the opinion that rules a free people; and so, the governments of every free nation must tolerate all ideologies of *pacific* polity.

2. The ideology of Marx makes direct appeal to one class of workers to liquidate by ruthless violence all groups in present control of government and industry; to submerge the individual in the will of its international party that owes servile allegiance to the autocracy of Russia; whose twenty leaders have demonstrated their primary loyalty to the Marxism of Lenin and Stalin.

3. Disavowing a purpose to convert the world to Marxism, the totalitarian government of Russia aggressively now uses its veto and military power to widen global chaos.

4. Our legislative and judicial branches have removed every obstacle to the peaceful change of our representative republic to totalitarian regimentation of our economic and political life.

5. Congress and the President have full power so to use our instant tax laws as to transform our system of free enterprise into instant Marxism.

6. With the way cleared for constitutional Marxism, America as a free government can survive only if she defines as a crime in peace and as treason in war, any conspiracy of Marxist violence; which is a present danger to the security of our nation and flaunts world order and universal justice.

7. It is grievous error, however, to assume the punishment of Marxist conspiracy will save either democracy in government or private enterprise

in economy. Freedom and justice under democratic forms can be preserved only if equity attends the distribution of profits among the owners, workers and consumers.

8. Since the judicial process determines the social use of capital and labor and there must be continuity of production, the basic compensations must be supplemented by just distribution of profits to the owner as dividends and to the workers as flexible deferred compensation.

9. A root injustice of laissez-faire was extirpated when, by the amendment to the Federal Revenue Act of 1943, justice first sanctioned as legal deductible costs of production all profits shared with labor as bonuses, annuities or pensions.

10. This law well may be regarded as potential of the most far reaching social justice. Since it is the incentive of reciprocal employer and worker equities in amicable adjustment and will be the dominant factor in compulsory collective bargaining, it may become the conciliatory bridge that will carry humanity over the widening chasm of totalitarian Marxism.

11. There is one human test and constant standard of justice. Society must restrain the outlaw; and whatever the recession, all must obey the *eternal law of restoration to order*.

12. Reform or punish the anti-social individual and hold the outlaw nation in leash, but regard every mind as free to think and to speak and every nation with limited sovereignty, and there will be order and justice to the degree the man of violence and the aggressor nation are subjected to just control.

13. Mankind heretofore has failed to restrain the outlaw nation to order only because of the fear of the futility of any nation or league of nations attempting to enforce just decrees against the outlaw that through force seeks for itself world dominion.

14. Science has given to man such knowledge of destructive energy that civilization must now defend itself against its use by the outlaw nation; and so, a world tribunal has been organized by the nations with power to enforce its sanctions by use of atomic fission.

15. Because the eventualities are so foreboding as to confirm blunder and to suggest suspicion of betrayal by Marxist traitors, there can be no veto by any one of the big five nations in any matter affecting the use of this extreme sanction.

16. A great disservice is done to universal justice by suggesting this power can be neither modified nor abolished without abandoning the United Nations with instant substitution of a world parliamentary government, and that there is no relation between the use of the veto and the conflicts between Marxism and individualism.

VI

An innate purpose to restore status as the test and standard of justice, explains only the motive vindictory of the conviction every individual deems to be his right; but it gives no hint as to how justice actually is done in human relations. This transformation of animal instincts and selfish interests into a universal seeking for justice to every individual is the most inspiring of human wonders. For it is the consummation of all good and the one promise of the right in life, the only safeguard against the arbitrement of force and the everlasting assurance of a justice that both takes what is its right and gives it as a duty.

Those primordial hordes which once sought solely self-satisfactions have now become a world society of order and justice, only because in the mind and heart of every individual there is a standard of the right that measures the values he searches and wants for all, including himself.

It is this inherent and universal ideal potential of the right that encircles and presses, with the inertia of its moral force, every controversy involving issues of justice and, *impressing every problem with its conception as the conscience of the community, overwhelms all individual incentives or wants.*

When mankind realizes it is the onlooking public and not the partisan contestants who are alert to protest the foul, because the spectator demands justice be done in every human contest, struggle, or brawl, then will come to the pragmatic mind of man the conviction of the basic determinant of his

conduct: That it is the experience of the human race, as expressed in its public opinion of the right that is the true deterrent of wrong and real incentive to the right, and so is subdued the nature of every individual to world welfare, and thus is made certain the doing of universal justice in all human affairs.

VII

A blindfolded maid, holding scales in balance, symbolizes with realism the supreme purpose or true concept of justice, only if she grasps firmly a sword. For while *Justice* sees not persons but weighs only the right and the wrong in the balance of values, right too often is the victim of armed wrong; and justice but functions when, with sharp edged sword, injustice is destroyed as the prelude of giving what is due to all.

If the fatherhood of God and brotherhood of man is the most inclusive and sublime utterance of human relations, if the idea of man's creative mind is the most profound concept of the kingdom of God as the aspiration of his development, and if the promise of everlasting life to those of faith is the mystic ideal of the Christ lessons, it then should never go from the mind of man that the gentlest Teacher of the West was grim as any human in His realism when He said: He "came not to send peace, but a sword"—for *justice is action eternal no mortal can stop*.

If in matters of government, free men are unable to prevent the tyranny of numbers from destroying free enterprise under free government; or if the leaders of capital and labor in control of production refuse equitably to distribute its profits in exercise of man's greatest economic need; or if the governments of the West fail to perform the duties owed to the peoples of the East and abandon them to the violences, oppressions and wrongs of Russian Marxism—then the nations of the West will have failed their duty of universal justice, their cultures again will crumble and another dark age for an interlude must envelop world civilization.

Nations have survived the loss of military power or of their prestige in everything men value; but no government of any nation can fail to do justice to its constituents, to other nations and to all peoples in world rela-

tions without destroying the basis on which its supreme culture is builded. For no individual ever can do justice to a person or a cause without emotional satisfaction; nor without regret, suffer a wrong to himself or inflict it on another. And so, the final test of the justice of a nation is the approval of the public conscience, however long delayed; but a government condemned by the moral judgment of mankind must perish and amidst its own ruins, a new culture arise.

In this world crisis, however, the inscrutable destiny of humanity awaits the final decision of twenty minds now in autocratic mastery of Soviet Russia. If these leaders of totalitarian aggression in zealotry or fear continue to thwart the decrees of the United Nations or do not stop the use of methods of terror and concentration camps against free thought, speech and action, and persist in their violences in aggrandizement of world political and economic power to the global dominance of Russian arms, then the Western nations of liberty and justice must defend the values and save for civilization the everlasting things of the mind or they will cease to live as free peoples.

The experience of the human race warrants the conviction that the enslaved of Russia yet may be induced to strike for freedom, that the peoples of the free nations of the West will continue to rule themselves with a more sensitive sense of justice and so will dominate the United Nations as to carry to higher levels of life the billions of the East, who have struggled so long and futilely for a chance to live. For justice is as inevitable as time; and everlastingly flows from the heart of humanity as the universal aspiration of mind, that alone opens the doors of freedom and equality of opportunity.

PART ONE

CONTRIBUTIONS OF JUSTICE
AND PHYSICAL AND
PSYCHOLOGICAL SCIENCES
TO CIVILIZATION

Chapter One

MIND AS ENERGY AND ITS INTERPRETER

ENERGY is not only elemental forces, but includes every manifestation of cosmic change. Without form until integrated, only the motions and effects of energy may be observed, measured and directed, or its relations defined by mind—the most sensitive expression of life, which itself is the ineffable sublimation of movement.

Energy may be force in process of change or mass defined as integrated energy. Both are the actions of nature inseparable from its basic forces of fission, radiation, reaction and integration.

Perplexity follows one's refusal to accept the full significance of the dominant fact of human development: That mind is the life of man, whose eternal problem is man. For although mind gives meaning to the contacts of his organism and realization to his vital needs, it has never ceased its efforts to unfold and define his nature. It can image nothing without thought of its purpose, since our sensations and ponderings link mind and matter with the solution of the problem of man; and fitness, bias and interest are but descriptive of the all-inclusive purpose that directs every movement in the adaptation of man to his environment.

Energy and mind are then integral and indivisible; and are in continuous reaction with the new emerging always from, and as a part of, an existent level of nature.

There can be no law of nature except as the mind discerns the inexorable sequence of phenomena, not so much as the cause but as the *order* of events; which is the purpose of all law, natural or human. We posit order as the essential of natural law and seek to make it an end of positive law;

not alone as the deduction of pure reason or from the lessons of experience, but from both.

It is only when philosophy adds to the postulates and formulas of science its rational and empiric ponderings of organic change and of vital development, that the human mind can grasp the true meaning and significance of reality in both physics and ethics. For the momentous service of science-philosophy to man is his abiding conviction that the cosmos is not the result of chance; but is ruled by forces in flux which he may understand and, in obedience to nature, can control to the purposes of his civilization. And law as jurisprudence embraces rules of conduct which individual choice or group decision accepts or rejects as conditions change.

Our assumptions of morality and of natural and positive law are then variable, determined by probability as relations and not as absolutes. They differ with epochal changes, as from authority to freedom, superstition to reason and power to justice. And elemental forces in action, their interactions with dynamic individual minds, and the reactions of minds in group associations may be concluded to be the evolutionary sources of all laws of man or nature; which through the ages unfold to human understanding as the curiosity, wondering and research of minds of genius guide science to find and mankind to obey the manifestations in earth affairs of the Power that governs all.

Chapter Two

UNITARY PRINCIPLE OF ENERGY AND JUSTICE

FINDING THE MEANING of motion vitalizes the existence of law or the principles that explain it and the control of all energy; and so, natural and positive laws and ethical principles are primarily subjective. For they define human relations as the creative mind seeks higher levels of culture and control, not alone by any particular scientific method, but through a life of wonder, research and meditation.

It is in criticism and avoidance of the confusions which result from over-emphasizing the functions and specialities of science, wisdom urges as the foundation of positive law: That all of the sciences in their synthesis contribute to the understandings of justice. And consequently, civilization can continue its humanitarianism only because the scientific mind remains a part of the moral fibre of man's higher law, which as thinker he must find to be, and accept as, the mentor of the mechanism of government for the realization of his justice.

Hence, when we contemplate science and philosophy as discrete methods, we contribute to their distinctive peripheral tendencies; but we harmonize science-philosophy and all energies as they approach the axis of reality, if we postulate the unity of every physical action and reaction of nature with all mind orderings as expressive of a cosmic appetency.

The nation, as a unity of individuals, functions in human affairs as a political state to maintain order and do justice through its government. This mechanism for the control of all human interests is purposive in attaining its ends by means that are both human and mechanical; and they are determined by the governed, who either rule themselves or submit to authority,

sanctioned by good or bad means under principles detected and applied by science.

All order of society is destroyed, and justice becomes impossible, when those who govern confuse ends with means, or confound human with material means, or ignore the synthesis of all the sciences with philosophy, that sees man as a part of and encompassed within the whole field of cosmic energy. It is the stressing of a particular aspect of human action or the over-emphasizing of one science, or the forced acceptance of a dominant interest that distorts the general pattern of all human life by disturbing relations in balance.

Just men in search of individual freedom and societal welfare never idolize the machine—social, economic, political or religious—through which their aspirations are realized. But totalitarian governments, autocratic minds and an absolute science—all worship as ends the instruments through which they seek to achieve their purposes. It is thus and then the state enslaves the individual, dogmas and creeds of hierarchies subdue free thought and an amoral science, that ignores all seekings for the right, takes from man his aspirations of mind for a higher life under a moral order.

Man is both animal and mind; his interests are more than to exist, to rule and to be ruled; government is more than a machine and the state and science are more than manifestations or control of power. There are material universes, mental processes and orbits of ethical control in constant coordination within the cosmos; and if mind does not impose moral restraints and limitations on the mechanisms man invents for his governance and welfare, the state will develop a leviathan power and science will become the master and monster of human destiny.

The problem that now confronts man has been his through all time, and ever will be; for it stems from the unitary principle of energy and justice, which seeks forever to keep within one frame of action all physical, mind and moral forces to the everlasting maintenance of harmonious reactions and inter-relations.

Minds have conceived the growth of all the sciences in a definite order and have observed that at a given time one science is more advanced in its study of specialized phenomena than another that follows it. But none emphasized, if they discerned, that the evolution of the sciences follows the broad concept of the emergence of the new from the old manifestation of the unitary principle of energy. Hence, the correlation of all the sciences must be restated and their coalescence should be stressed, if we are fully to understand the genesis of justice and to value its aspirations as the highest expression of either *a* force, or as *the* process, of energy or the real significance of its evolution as the ultimate of law.

Mathematics is applied to no specific aspect of energy in any particular material form, but is the symbolical expression of all relations of form or motion; *physics* measures the forces of structure and movement, but ignores the composition of integrations which result from them; *chemistry* employs the motions of integration and fission to determine the elements and their transmutations, but excludes life from its experiments with primary forces; *biology* seeks the source of living protoplasm by the application of physical laws and of chemical research to the vital cell, and regards the organism as a structure and growth but without reference to its dynamic nature; *psychology* gives its attention to man as a purposive organism controlled and directed by a creative mind to the realization of the individual as such, but not as a member of a group; and *sociology* deals with the conduct of individuals as constituents of groups, with reciprocal rights and duties, but with neither plan nor structure nor sanction for the government of a secure society and the resolving of human interests through the administration of justice under law.

Government under law, however, contrasts statism and individualism; the state as despot with the individual free man, who rules himself; and the freedom of representative democracy with autocratic power. *Justice* in economy opposes the struggle of workers of mind and muscle as masters of their lives in free enterprise against a totalitarian state in sole control of

all sources of their livelihood. And in the ownership of things, justice grounds the preservation of private property and a system of capitalism, on the sharing of profits under equitable principles of incentive taxation against confiscatory taxation, in Marxist redistribution of the nation's wealth to the emasculation of the initiative of all its workers and to the waste of the surplus of their labor.

Chapter Three

UNIFORMITARIAN ENERGY PROCESS AND OPPOSITE FORCES OF ENERGY

THIS ENERGY PROCESS of the cosmos may be assumed to be a dynamic manifestation in the flux of opposing forces. Observation of these variant phenomena enables mind to formulate a concept of the foundation laws of motion within these unified energy fields applicable alike to all structures. Science has now confirmed the similarity of all reactions and inter-actions of the nuclear forces within the meson; as Bethe had suspected, when splitting the atom had demonstrated that mesons shoot out of and return to the nucleus of the atom in performance of their cementing function.

This foundation law of atomic radiation expresses the transmutation of the electrons, protons and neutrons of basic energy, that change into mass and back again into the diverse energies of old and new elements in mechanical expansion and contraction, electrical attraction and repulsion and chemical affinity and repugnance.

Physicists reduce the basic energies to gravity, electricity and magnetism with their force phenomena of fission and integration and of light and radiation. They pragmatically postulate the identity of all principles definitive or explanatory of the uniformitarian energy process and assume transmutation is the invariable effect, if not the purpose, of atomic radiation.

But ignoring mind as a creative force of energy; contrasting the continuity of gravity with the intermittent radiations of light and magnetism; and detecting that electro-magnetic differ from the gravitational forces—the scientists in their search for a symbolical expression of all relations of energy

seem to have evolved, in their measurement of the forces of structure and motion, two irreconcilable theories applicable respectively to the formation and movements of sidereal galaxies and to the reactions and inter-actions of atoms and their mesons.

Chapter Four

INCLUSIVE FORMULA AND UNITARY PRINCIPLE OF ENERGY AND JUSTICE

THIS PARADOX OF SCIENCE ought not to plague us with its logic; and we may solve the dilemma, if we will but accept the rational assumption of the *sameness* of all energy processes of nature with that like faith which we have in the *diversity* of the forces within all fields of energy—of greatest expanse or of infinitesimal radiation. And this although our postulate of reason reflects only man's observation and experience without experimental verifications, and the principles determinative of the actions and inter-actions of forces are proved to mathematical certainty; and also, whether or not science is able to formulate a theory, provable by experiment or formula, which makes all radiations of force the manifestations of *one* sole energy or of the same basic principles of energy.

Science may assume the cosmos is uniform in the chemical elements that compose our earth, sun, planets and stars; but only in the conviction the energy that forms the elements is the phenomenon of *change* with its sequent of diversity. And thus, from these fields of relatively the same chemical energies, all forces in *reaction*, emerge as the creations of different substances. So, if all elemental forces were identical and controlled by one and the same energy process, there would be neither a cosmos nor our earth with its atoms and life cells. It is these *inter-actions* of the conflicting or different minima forces of the elements that evolve the cosmos and all its constituents of variant radiations and integrations, governed by a universal energy process.

Thus, the initial creative combination may be the nucleus of hydrogen followed by the nuclei of other elements as each successively takes on additional or different protons and neutrons in the evolution of all of the elements.

In the confidence then of science's demonstration alike of an uniformitarian process and of the diversity of all manifestations of the basic forces of energy, he who ponders the nature of justice as the highest expression of human aspirations contemplates with quizzical serenity the search for a symbolical formula inclusive of all cosmic energy. For he is sure its realization is not essential to his abiding faith: That his body and mind alike are subject to similar forces and to the same manifestations and process of energy as his cosmos is ruled by laws of nature under the purpose or plan of a providential and supreme Power.

Chapter Five

CONTRIBUTION OF NATURAL AND HUMAN LAWS TO JUSTICE

A GENERAL BIAS or fitness towards equilibrium, continuity, economy and compensation leads to man's orderly development through individual mastery and group reactions. But the effort to formulate general laws of government in addition to these tendencies has led to confusions of law and principles and to the over-emphasis of some individual traits or erroneous group experiments.

Man ceases to be helpless to the degree he rules himself and disciplines his will to obey nature; but his incapacity persists until he learns something about the cosmic and human laws which exact his *obedience* in return for their material and ethical services to him.

The individual now knows he has found some foundations of order, freedom and wisdom which will endure, if they are shaped in accordance with natural laws and are directed to the realization of his eternal aspiration for justice—a motive of moral power and manifestation of energy as certain and real as atomic fission and gravitational integration.

Violences of the animal nature of man and material things have contributed to his civilization less as aids than as obstacles to be overcome or controlled by his mind. Thus, moral levels purposively have evolved as the individual in self-mastery and in heed of his inner voice, and minds in reaction and mutual aid, have evoked an always *higher law* as the standard of justice against a conviction of personal injustice, or against a status under

a power or superstition dominated government or of an economic system encrusted with wrongs.

Conditions may arouse rebellion against evils which often degrade, debase and brutalize; but neither body satisfactions nor plenty alone, whether produced by individual or state planning, can create in individuals or states the wish to be just or instil the will to be free, or inspire the zeal to achieve the purposes of humane aspirations.

The mind and conscience of man as molded by his beliefs, convictions, strivings and interests, the reactions of individual minds in group relations and the institutions which direct and cultivate them, all and singly determine his personality, shape his character and measure both his susceptibility to bad influences and capability to define the quality of his justice and humanism and to obey their commands.

Chapter Six

KINDS AND ETHICAL VALUES OF GOVERNMENT

HUMAN POLITY is concerned with persons in association under law and their relations to things within the orbit of government. This mechanism of political control intrinsically is dominated by ethical values, since its purpose is order for the good of society and of its individual constituents under sanctions contributory to the welfare of both.

Government under law did not just happen to rule man in an organized group and so to mold his environment. The whole history of individual and societal development confirms its evolution through disciplines of dynamic purpose subduing animal propensities and coordinating the will to survive with mutual aid, the maintenance of order and the aspiration for justice.

Since government must function through individuals, the governed should control it; and sovereignty can enforce its authority, either by the violence of force or the persuasion of reason. The basic problem then in the use of government without violence is so to apply its power as to appeal to the moral sense of every citizen and to instil in inter-acting minds the purposes of justice.

There is a vigor of mind and force of right that eternally strive to improve conditions of life; and governments of free men are ruled finally by laws formulated by minds of moral power whose innate strength comes from self-imposed restraints. Hence, no more than an individual without self-mastery, can a state be free whose powers of government are not limited by prescribed inhibitions and explicit reservations; and totalitarian governments necessarily are of violence and invade every phase of freedom or aspect of private enterprise or interest motivative of individual conduct.

The basic difference in governments, as among individuals, is then the nature of the limitations imposed upon power; and the real distinction between free and absolute governments is the ruling purpose of those in control of it. If a group dominates to the favor of class interests, government becomes the tyranny of privilege; but under republican forms, the interests of all as individuals are promoted by the choice of free electors through their representatives.

Under a representative republic, sovereignty and the functions of government are defined by reason as determined by public opinion. The free expression of unfettered minds is then the essential without which a free government of free men cannot exist. There are two methods by which public opinion may be expressed in achieving the rule of reason. (1) *An honest election* is the sole mechanism for registering the electors' choice of their representatives of government; but since the first crude beginnings of tribunals of justice, (2) the *judicial process* is the focal axis of law about which revolves and from which radiates the forces of order and justice in human society.

The mind of man has evolved these as the only methods for attaining justice without violence in the solution of human conflicting interests; but their application to the realities of life involve difficult and delicate issues affecting the most sensitive aspects of human liberty and its regulation. Now is posed Jefferson's positive denial to the puzzling question as to whether freedom of utterance in the forming of public opinion can be "limited without being lost." For here collides the constitutional inhibition against the enactment of any law abridging the innate right of freedom of expression with that foundation of due process of law which is the contribution of Western civilization to human justice.

This clashing of fundamentals of free government becomes the more accentuated as the press or radio or television comes in open or avowed competition with the ordained tribunals of the judicial process in search for facts and the finding of justice. Autocracy decrees censorship of free minds in its determination, in survival, to enforce authority; and parlia-

mentary governments differ as to the degree and manner judicial process may restrain free utterance. The judiciary of England has been consistent and insistent in its purpose to make open trial, according to process established in its courts, the sole tribunal of guilt or innocence. Some state courts of the United States, however, in zeal for liberty or fear of its loss through censorship, as the necessary sequel of any limitation on publication, have so unduly exposed the judicial process to extraneous pressures as to make possible the distorting or thwarting of justice. The Federal Supreme Court presently has enunciated decisive principles in reconciliation of these constitutional conflicts; but it has yet to adjudicate whether some state courts correctly have interpreted the scope of its decisions.

The achievements of man's experience should remove all fear that his Will for freedom or for due process, as the test of its regulation by judicial tribunals, will go at any time for long from minds that seek human justice. And, if need be, the past restraints imposed on license should assure that the parliamentary governments of the West never will permit facts, ideas or opinions gathered by independent agencies for the asserted preservation of freedom, e.g., radio, television or the press, to come in competition with the judicial process established by their courts as the sole tribunals of justice.

Chapter Seven

REPRESENTATIVE GOVERNMENT AND DIFFERENCES AS TESTS OF JUSTICE

MODERN REPRESENTATIVE GOVERNMENTS in performance of their functions ignore all individual differences that universally characterize men; but ancient cultures conceived human variances to be of divine origin and early law ordained a secular station and a religious status. Moreover, a distinctive development of Western culture is the degree to which its laws finally have blunted the asperities of birth and creed; and the manner in which its governments have accepted all competent adults, notwithstanding obvious differences, as uniform constituents with right to like treatment and to the same guaranty of life, liberty and property. This is because representative governments confer rights, impose duties and inflict punishments upon all as individual free-agents.

Individual differences of physical, mental and moral development, however, cannot alone explain diversity in the choice of men's interests and the consequent variety of their actions in expressing personal freedom and in defining group and individual security. Only idealists suggest or urge the wisdom of eliminating individual differences as the sole criterion in the search for standards of personal conduct. And since experience detects likenesses common to all amidst multiplicity of differences, pragmatic reason must postulate man's positive laws for justice on both diversity and similitude of human wants, behavior and choice.

Chapter Eight

EQUILIBRIUM OF ANTITHETICAL FORCES AS UNIVERSAL PROBLEM

WHEN WE RECALL the polarity and yet harmony of the basic forces of evolution, the duality of man's being and the contrasts of physical nature, the variety of minds and diversity of their external environments, the asperities of strivings among persons and groups and of struggles between the state and the individual, and, finally, contemplate the vital significance of the eternal conflicts of ideas for dominance and of interests for supremacy—we can assume the problem of the universes of matter and mind, and all their reactions and relations well may said to be, the *maintenance in equilibrium of an energy process or of its opposite forces in antithesis*.

The individual and the group can be controlled and conflicts may be reconciled to order by supine submission to authority or by power exacting obedience or through the understandings, purposes and conciliations of the governed, i.e., by a slave or autocratic or free government.

*Two words and the change of three prepositions express the American fundamental concept that revolutionized political and economic thought to government of, by and for the people. These functional aspects are not the inferences of theory, but are the lessons of the experience of a race which the wisdom of its leaders embodied as eternal truths in foundation law.

Chapter Nine

EQUALITY OF OPPORTUNITY AND CONCILIATION OF INTERESTS AS SOLUTIONS OF JUSTICE

THE ASSUMPTION of classes in society was natural for subjects whose existence for centuries was of status and submission. But it is not the experience of mankind that governments change with the violent upheaval of a particular class in its efforts, by blood purge, to liquidate other groups of creative mind workers and so to seize government for class aggrandizement and not for all the people, who in truth are the source of all authority and power.

An *antithetical approach* should be made to the consideration of the dominant human interests in conflict. For opposed to every individual right or advantage growing out of these interests, there are personal correlated obligations owed to society. Government (1) in its resolving of political interests, must protect individual freedom against statism; (2) in economic needs, private enterprise and equal opportunity must be saved from Marxism; (3) in religious faiths, personal belief must prevail over authority; (4) in educational cultures, individual enterprise and personality must be developed and preserved as against group dominance; and (5) in the ultimate emergence of cultural progress, whatever the temporary retreats, civilization must heed man's eternal aspirations for privacy, freedom and justice at ascending levels of physical welfare, equality of civil rights and moral purposes for more peoples over larger areas as against the decreasing interludes of dependence, defeatism and decadence of less of the world workers in smaller segments of the earth.

Chapter Ten

JUSTICE AND PROGRESSIVE WELFARE

ASSUMPTIONS CHANGE with the conditions that first educed them; and we measure things, determine relations and reappraise values as we compare present with past experiences, situations and events. Thus, memory and judgment contribute to the concept of progress. It is this idea which explains the inter-relation of sensations and mind with the origin of meaning and growth of thought, the reactions of minds in association, the continuity of all human development and the horizontal diffusion of all knowledge in aid of right doing to every person and relation of life.

This expansion of mind and precision of scientific methods so have enlarged man's grasp of the nature of energy and deepened his understandings of its laws as to make his employment of and obedience to them the test of his material progress and the measure of the moral development of his aspirations for justice.

The ancient world was dominated by concepts of finality, permanence and authority. A new philosophy was necessary to give birth to the ideas of creative purpose and of cultural progress; both of which conceive reality not as unchangeable status or thing, but as energy levels or symbolical tools in such process of change as to create new experiences and better conduct from the old.

Progress as a category of reality manifests itself in all purposive effort; and it is when we feel an effect and think of cause and remedy that we perceive reality and conceive both purposive and progressive acts of fitness in adaptation. This pondering of causal relations has progressed from the fears and superstitions of magic, through an assumed universal law, to a

particular event which science foretells will repeat itself upon recurrence of the same causes.

Man is, however, more than a robot ruled by nature, for his mind discerns, obeys and applies its laws to the satisfaction of his always increasing wants. And no misconception of human nature is so destructive to the progress of his civilization as denial of the truism: That the moral development of man and of his society attends his scientific achievements, with, moreover, his ethical instrumentalities no less observable and real than the mechanisms for his survival or physical comfort.

Individual and societal progress result when minds of purpose and courage arouse public opinion to rebel against ways of life that no longer serve its needs and, taking power from authority, give an enlarged freedom and welfare to greater numbers.

Progress is more than a narrative of the achievements of genius. But while individualism, group reactions and mutual aid, the family, law, religion, government and war are the tools and institutions that have contributed to progressive civilization, it has been the unselfish and noble minds of power, science and character that have charted the course and led the masses to always higher levels of individual achievement and group welfare, by formulating the means and creating the organizations which have changed the forms and aspects of human relations under the rule of justice.

Chapter Eleven

JUSTICE AND PURPOSIVE CULTURE

THESE CHANGES are inspired by reacting minds which mutually sense something that excites curiosity and wonder, then creates desires and strivings, followed by research and invention for satisfactions and finally, habit socializes the use of the new tools at higher cultural levels. But since only what can be passed on for the improvement of successive generations may be regarded as progress, the development of intellect and a good life becomes of more vital significance than material inventions in the appraisal of culture. Many in haste conclude that the mechanisms of economy continuously increase mankind's intellectual store, but that right thinking, forthright conduct and aspirations for justice are personal and cannot be transmitted.

It is idle, however, to differentiate between individual and societal or moral and intellectual progress; for superiority in pure intellect of the modern over the ancient mind cannot be demonstrated, and the distinction is not between intellect and virtue, but lies in what is purposive culture in both the individual and the species.

There may be few universal fundamentals of ethics, and all might have been discernible to the early mind; but they are now fixed in the granite characters of the world's teachers of the good, and eternally are of increasing benign influence. For man today in greater numbers and with less animal resistance more readily obeys their sanctions than when with red claw, he satisfied his hunger cravings.

The difference between the animal-man who conceded another's right to his bone and the modern obedience to the law of property may be one of degree; but mastery over the animal becomes easier for successive genera-

tions, with the few of each raising the standard of individual conduct which becomes the heritage and habit of the many.

This obvious trend of moral purpose is the observation of human experience which loses none of its significance or prestige because the progress is undulatory and not vertical, or its acceptance may give a false confidence to future security, or the injustices of employer and labor conflicts presently imperil our economy, or world aggressions of a totalitarian autocracy menace free governments, or because science so centralizes ways of life and unifies the power of the state as to limit individual freedom.

The purposive culture of mankind in large vista may be assumed, if in acceptance of the lessons of history, we allow for errors in the choice of interests which for a time may weaken or overwhelm the segments of culture that have blundered. But the human Will never yet has ceased to strive for survival and betterment, however impenetrable the conditions, or cruel the toil or dark, if not hopeless, the retrogression. Man always has met and overcome the obstacles, of whatever nature, because his confidence in the progress of the species is warranted by his memory of its past achievements. It is inane to fear mankind ever will abandon the search for its welfare under a government of its choice or will cease to train for these needs of an advancing civilization and of the cultural undulations from which it stems.

Chapter Twelve

SOME CHALLENGES OF JUSTICE TO CIVILIZATION

SCIENCE may forever seek one formula as explanatory of the basic energy in all creative forces or processes. Man must conclude, however, that while different forces determine vital development, they are related to and emerge from an uniformitarian energy process. And so is now imposed on him the duty to ponder its dual manifestation of: (1) Atomic fission as a physical force of beneficent or of most devastating power and (2) of life with the aspiration for justice as its sublime and dominant reality in human affairs.

Certainly a persistent and probably the most egregious error of human thought has resulted from the effort of science to formulate divisive laws of physical integration, societal organization and individual conduct. The scientific method repeats the trite idea of maturity and death of civilization only to confound the decay of the cultures of segments of peoples with the eternal progress of an everlasting civilization of a world society.

Until the Christ uttered the most profound of His teachings, human thought was without conception of the purposes of dynamic mind or of its contributions to individual development, group reactions or to successive cultures in the evolution of civilization. And too few now realize the signal basic fact of human destiny: That the aspiration for justice is the transforming force which has made the individual less the animal and more the free man, who strives for the wants of body and mind he conceives to be his due as needs, and which he eternally is obligated in equal measure to give to all.

This is the trial day of civilization when opposite ways of life and antithetical cultures press for immediate acceptance and challenge universal

justice for solution. We cannot always foresee the factors of the problem which civilization will pose for the successive judgments of humanity, but enlightened minds, detecting the murmurings of wrongs and discerning the intimations of aspirations for justice, do sense the imminence of a crisis. Amidst the challenges that now confront and confound us, it is the hard duty of all minds of prescience courageously to invoke the nation or the organization of nations to save their cultures and so to carry to higher heights the sacred things of global civilization.

The free men of world culture must now ponder momentous facts that compel instant decisive action. (1) In conflicts between the cultures of the East and West, the United States of America, the British Commonwealth of Nations and all free nations are civilization's destined bulwark of freedom and justice.

(2) Since the way is now open in national polity—by pacific means under the foundation law of free governments—for instant totalitarian communism, Marxism as a world conspiracy of political violence should be outlawed, for through class wars, it seeks universal chaos.

(3) Because equity should attend the distributions of production and a flexible deferred compensation of profit sharing or annuity or pension may supplement a rigid wage, the incentives of economic justice must become the dominant factors in all collective bargaining to the achievement of intelligent self-interest over the economic wrongs and political violences of international Marxism.

(4) Science has answered mankind's prayer, and civilization can now defend itself against the outlaw nation through a world tribunal of allied nations with limited sovereignty and qualified veto, but with power granted adequate to enforce its sanctions.

Chapter Thirteen

SOME UNIVERSAL INTERESTS OF JUSTICE AND CIVILIZATION

MINDS DISAGREE as to the beginnings of man on the earth and his dispersement over it; but it may be assumed the conditions which evolve other than human life also determine the kinds and limits of all habitats. Man is the only animal that is master of his being, because he alone has observed and so obeyed nature as to survive every environment and manner of existence on the earth.

Since he first began to record the effects of changed conditions on life, wherever he has wandered over the earth or explored beneath its surface, man has found evidences of a similar geological structural process and of an aboriginal people in occupancy of every newly discovered land capable of producing or sustaining his species.

Thus is illustrated a similarity of the energy process in the evolution of the earth and of its life; and so tends to confirm the uniformitarian nature of a cosmic purposive energy with its interludes of *catastrophes* in its physical, of *sports* in its vital and of *jumps* in its mental manifestations in analogy to *revolutionary* changes in human affairs.

The progress of mankind as the purposive achievement of integration is demonstrated in the decreasing numbers of dominant groups of innumerable families, tribes and races that have survived their savage struggles to destroy one another. The races of white, yellow, brown and black color are most numerous in diverse sectors of the world; and in the large, white Caucasians now mold Western cultures; the yellow and brown peoples of

Eastern Europe and of Asia and the islands of the East; and all other races are minority groups of instant dominant peoples. Present world civilization is ruled by totalitarian Slav-Mongol and the Anglo-Frank-American cultures, the latter of which reflect the highest ways of life man yet has attained under the equal justice of free governments.

No concept has affected, for good or ill, human development more than belief in individual, racial, creedal or color superiority. Individual egoism instilled by pride of birth and promoted by authority or divine favor inculcated by religious zeal may inspire the worthy purpose to excel; but this incentive to the strivings of the *elect* too often has caused the overreachings of an acquisitive and aggressive *outlaw* to precipitate the struggles of violence that have crimsoned the aspirations for freedom and justice, and their preservation once attained.

All aspirations use human interests as motives and similar methods for realizing the satisfactions of political needs, economic wants, cultural desires and religious seekings. Since the nature and means of achieving these universal aims differ fundamentally, conflicts always attend our efforts which, if not reconciled, must end in war as the final arbitrament of power, with but transitory periods of peace.

No good end justifies the bad means; but worse ills than war have and can come to mankind. Appeasement but delays, and pacifism never should be suffered to avoid a war forced upon a free people determined to save the sacred things of civilization from the aggressions of a tyrant individual or group, or of an outlaw nation.

Human interests dominate earth life. The religions of Western cultures, governed by three hierarchies, in the order of their evolution, are Orthodox Judaism, Roman Catholic and Protestant. The religions of the East, however, partake more of moral lessons, spiritual disciplines and ways of life than of creeds formulated by church authority. The expansion of national into universal activities and of nations into United Nations with one sovereign parliament are the present ideals of politics and government. State production for community consumption under international Marxism and

individual enterprise under capitalism in international trade are the conflicting ideologies that now contend in world economy. Always beneficent, it is only within the last century science has become a popular universal interest; and the last few years have made the control of the devastating force of atomic energy the primary concern of all human interests, since it is generally assumed to be the ultimate sanction of order and justice.

Chapter Fourteen

CONCILIATION AND OUTLAWRY AS CHALLENGES TO JUSTICE

DISTRUST OF GOVERNMENT reflects man's memory of injustices suffered and his search for the causes that had deprived him of the freedoms of which he had dreamed. Hence, in the wisdom of experience and in the final realization of his aspiration to rule himself, he determined to create his own government and so control it as to make certain his liberty and the power to use it for his justice and to preserve it for his welfare.

It was not until the promulgation of the United States Constitution that man cast off the chains of authority and riveted on government the shackles that now should restrain it from invading his inviolable right to have rights.

Thus was consummated by individuals of dynamic purpose the vital contributions to human development of: (1) A nation of free men; (2) ruled by foundation law with checks alike on the citizen and his representatives; and (3) construed and enforced under prescribed limitations by separate branches of defined governmental power.

It was this force of the human mind that has transformed a world of material things, in which man was the victim of absolute power or of the blind orderings of fate, into a society, the destination of which he is the master—for he has builded better than he knew in the definition and administration of his justice under law.

It is this attainment of order, liberty and justice under the processes of representative democracy that is the everlasting gift of creative minds to Western culture; and the most stupendous undertaking of mankind and

enduring achievement of human purpose is the diffusion to all peoples of the world during the twentieth century of these Western individual freedoms and aspirations for justice. This global trend touches great segments of minds steeped in status and now so affects their manner of life, changes their beliefs and ideologies and has so aroused their wants as to move them to crusading action against any opposition thwartive of their strivings for what they conceive to be their needs and rights under governments of their making.

The increase in numbers of people, the marvels of power and of machine production, the speed of travel and sensitivity in communication of intelligence, the efficiency of warfare weapons which pour their devastations alike upon the soldier and noncombatant and at last, the assumed certain utilization of atomic energy to assure the sanctions of justice and humanitarianism—all now, for the first time since the dawn of history, make rational the efforts to conceive some plan, and more probable the ultimate acceptance by the world's dominant nations, of some world organization of law and order that will give to more peoples relations of amity and justice.

Whether we deny the present persistence of Hobbes' primitive man of predatory animal nature, or accept Locke's individual of sensation and reason or avow the concept of a social being controlled by a creative mind for self-defense and self-realization in association with his fellows—we must assume man's first conscious activity is of struggle to survive. Conflicts with nature and human hostilities continued as normal individual life until mastery of his animal self and of others. The conquest of the conditions of his existence gradually have given to him some intermittent periods of escape from violence; and through the ages these interludes have inspired the dynamic mind with the increasing desire for always longer periods of peace.

The bow and arrow gave to primitive man food and security; the discovery and control of gunpowder held all civilization to order as it aided destruction of feudal oppressions and helped to make men free; and the certainty of detection and punishment of the individual outlaw increases

with the improved mechanisms of science and law. Out of the present efforts of nations to control and direct the use of atomic energy, the United Nations organization must hold all nations to order and, in the common defense, subject the outlaw nation to its devastating military power as the last sanction of world law.

The mind has no compass that holds man always to the right way of human progress, and experience alone can give direction to the course the aspirations for justice will lead humanity. There is, however, one human test and constant standard of justice. Man has never ceased to move forward so long as he or his society has held in restraint the outlaw, and has achieved against status the changes deemed for the good of all through a knowledge of natural laws, and their use in human affairs, superior to the anti-social aggressor who must be subjected to the power of just governance.

Here may be found an answer to the confusion that would make nationalism and war the causes of all the malignant ills of mankind. The principal source of man's afflictions, exclusive of nature's chastisements or individual delinquencies is the injustices, intolerances, aggressions and wrongs which breed the anti-social and anarchistic outlaw and his criminal conduct in the vicious circle that repeats them.

Peace in a competitive world is not an absolute in universal society, nor can it ever be attained permanently alone by the extinguishment of national sovereignty. It is the experience of mankind that repose comes to the individual and peace to nations alone as the attendant result of human justice, which is the Holy Grail of man's eternal quest.

Chapter Fifteen

BALANCE OF POWER AND JUSTICE UNDER NATION AND UNITED NATIONS

THE WORLD WARS have demonstrated the two fundamental defects of the principle of balance or community of power: (1) Absence of a central authority with (2) a power of arms sufficient to enforce its sanctions against the outlaw nation.

Students of world polity, however, before completely discarding this principle would do well to recall its genesis in the laws of nature and of human governance. They should review its contributions to world stability and not overlook (a) the United Nations as an instant central authority, and (b) atomic force as the decisive power that may supply the deficiencies and remedy the defects that failed in the past to keep nations in balance.

The just equilibrium of power is one of the first of governmental theories both in priority and fundamental nature as principle. It accepts the cosmic law of balance, is founded on the law of self-preservation and its beginnings are in religion. The Amphictyonic Council of the Greeks adopted the earliest known plan to end hostilities against any city sharing in the common worship of Apollo; Polybius refers to the principle; the cities of medieval Europe adopted it in their Italian confederated republics as a political maxim; the Hanseatic League employed it in its control of commerce; and, as feudal principles were superseded by the concept of the nation, it became the necessary expedient of both unity and restraint of national sovereignty.

Grotius first expressed the idea of federation of modern nations to maintain the peace of Europe. It was Vattel, however, who formulated the balance of power as a principle of international law: That it is the right of nations to form a federation for peace based on their power in balance, and likewise, the duty of every of its members by force of arms, if necessary, to restrain the outlaw nation that breaches the compact or infringes the conditions of equilibrium.

This principle can be made the excuse of war as well as its justification and the federation to enforce the balance is futile unless a strong world opinion supports its united authority by military sanctions so devastating and certain as to hold every nation in check and to subdue the offending outlaw nation or nations.

Moreover, it was the entrance into the international arena of the greatest and most powerful of the world's republics and the declaration by its President Monroe of its doctrine, that established for all nations a standard of conduct affecting the nations of the American continent.

Self-defense was the immediate necessity that occasioned its formulation, but in larger concept, it declares the end forever of the neutrality of all free nations when and wherever freedom is attacked. It avows a global purpose and now proclaims its defensive function to stop with the violence of war, if need be, the crusade aggression of an outlaw autocracy against any peoples who in their want to be free, seek our ways of life.

However alluring the hope of all nations ruled by one federated government or certain that such is the destined course of universal justice, the instant realization of a world state full fledged at its birth is but wistful fantasy. But the realities that prevent the present consummation only postpone its final achievement and relentlessly drive mankind to the vital need of some form of world organization to subject the outlaw nation to world order.

Chapter Sixteen

SANCTIONS OF JUSTICE UNDER NATIONS AND UNITED NATIONS

WHEN JUSTICE becomes the rule of life for men and nations by negative act of restraining the outlaw and by affirmative effort of common security and general welfare, war will cease as an ultimate either to defend man's freedom or to preserve his order or justice. Reform or punish the anti-social individual and hold in leash the outlaw nation; but give to all men freedom of thought and action and regard every nation as an organization with limited sovereignty, and there will be violence only to the degree force is necessary to preserve order by restraining the outlaw individual or subduing the aggressor nation.

Force has been man's ultimate instrumentality of human justice which he can apply against the individual outlaw with the sanctions of increasing power at higher levels over wider areas because of his more efficient national organizations. Mankind has failed heretofore to restrain the outlaw nation and to hold world society to order only because it has always known the fear of its weakness against a ruthless and powerful nation.

The West, however, should not forget it can hasten the early subversion of its duty to save civilization against the chaos of Marxism by supinely exposing its peoples to Russian inspired propaganda of increasing volume and devious obliquity, as that: All devastating machines of war should be outlawed; and atomic bombs instantly should be made without secrecy or control of either the workers or the materials, since Russia now pretends to know how easily and cheaply they can be made from plentiful supplies of uranium and other essential elements available to her.

The will to save things vital to free men prevailed against the Nazi second assault only because allied nations, in zeal for justice and freedom with valor met violence with the overwhelming force of that engine of destructive energy which all minds of realism and foresight had envisioned as the probable means to end the aggressions of an outlaw nation.

With this weapon of atomic fission at long last in man's hand, his now is the sure power to destroy the outlaw nation that dares challenge either his determination to be free or the will of free nations to preserve civilization in their supreme purpose that justice shall rule nations, as by nations their governments now restrain the individual outlaw.

Man then is without choice, for the scientists have given to America and the Commonwealth of Britain and through them to the United Nations of the world, such knowledge of destructive energy that civilization has only one escape: Its devastating use against an outlaw aggressor nation. Since the force of annihilation is global and separate nations helpless, a world tribunal had to be organized with power to enforce its sanctions vested in a Supreme Council.

The dominant purpose of the United Nations to restrain or to annihilate an outlaw nation can be effected, however, only if the Charter of its creation means that there can be no veto by any one of the Big Five nations of the Security Council in any matter affecting the use of this extreme sanction for the maintenance of world order, freedom and justice—else this power may be utilized by the outlaw aggressor as its weapon to destroy civilization.

Chapter Seventeen

JUSTICE UNDER UNITED NATIONS INSTEAD OF A WORLD GOVERNMENT

THE NEED of a world organization for the security of order and to save civilization from science's new use of energy neither involves nor justifies the abnegation by nations of their sovereignties to a world-state that shall govern all mankind. Nor does it require the relinquishment of any part of their power to regulate the domestic affairs of their citizens.

But it does make imperative the delegation by all nations of that segment of sovereignty which vests in the world organization of nations absolute dominion over atomic fission as the supreme sanction of world peace. The foundations of world order and of the nature and existence of human justice as opposed to the force of power abide the decision of so basic change in human relations as the relinquishment of national sovereignty to a cosmopolitan government under a world constitution of over-all sovereignty.

The founders of the United Nations accepted the fundamental law of emergent evolution and but applied the wisdom of time when they promulgated a union of nations which reserves the sovereignty of each in preference to the formation of a world constitutional government with dominant sovereignty over all peoples.

Their statesmanship was undeceived by the allurements of analogy or dream of idealism. They avoided obvious perils to the foundations of human governance, when they discerned the confusion and chaos that must follow a world government which rules its peoples under universal sanctions of supreme sovereignty derived from the citizens of nations that had abne-

gated their respective nationalities; and who, in great numbers, are incapable of formulating a constitution and lacked a public opinion adequate to sustain free government.

The organization, in accord with the Atlantic Charter, finally declared against a legislative branch representative of the citizens of the nations; and determined the Assembly could discuss questions of peace and, *without power of veto*, make recommendations to the Security Council. With sagacity, they constituted its eleven representatives of the nations the real tribunal of world authority to investigate international disputes, investing it with final power to move against the aggressor nation through the immediate control of the Military Staff and Atomic Energy Commission.

These founder realists then with the guidance of experience, the avoidance of the errors of speed and idealism and with rare confidence in the ultimate realization of man's strivings for justice, brought forth the United Nations with the paradoxical conviction of realism that out of war have come great forward strivings of civilization with ever new frontiers of invention and discovery as the sciences unfold and apply the laws of energy to human life and its relations.

As conservative meliorists—whose belief in the constant but undulatory evolution of a better world is as fixed as their purpose to make certain the building of a secure super-structure on the foundation bedrock of the nation—the founders' organization is not of a world government with nations abandoned as sovereign guardians of the people's love of land and their traditions.

Since wars are waged by nations, they can be averted at their inception or ended after hostilities only by the sanction of coercive force against the outlaw nation and not against guilty individuals. This discussion, conclusive of crushing the outlaw nation as the only way forever to end war, dogmatically assumes that science finally has armed mankind with a sure weapon and the United Nations is the only agency that can use some force of atomic energy as the supreme sanction to police world order. But no nation or government can take from America, England and Canada, whose genius

discerned and applied atomic fission, the knowledge of the constituent elements and of the processes and methods that make possible man's greatest advance in science out of which comes his most devastating of inventions.

We may not be able to prove to our satisfaction that every law of nature or principle or form of energy, once detected and utilized by science, thereafter becomes integral of the eternal mind of humanity; but certainly, no government of a nation has ever promulgated its decree in attempted abolishment or limitation of any contribution of mind to human knowledge, except only as tyranny has repressed liberty or intolerant religious authority has sought to control belief or to impose its conception of the Divine Will.

The power in reserve of nations to destroy is a surest guaranty against the violence of aggression and for the maintenance of peace. If atomic fission or another physical or chemical reaction of the elements is in fact the ultimate weapon of global war and if all nations will not unite for its control, then such nations as will cooperate must combine to use the force of its violence and power against the outlaw nation. The history of mankind records no nation that voluntarily has surrendered superior arms or improved mechanisms of war either in appeasement of war threats or in the hope of a treaty of peace.

The three nations to which science has revealed this insight into the creation and structure of atomic energy have evolved for humanity the age-sought universal instrumentality that in the certainty of its destroying power may coerce to order the world's outlaw nation. They must never forget the great responsibility to world peace and welfare their achievement now casts upon their momentous decision in world affairs.

The wisdom of man's experience, the rule of right in man's relations and the trend to meliorate his life conditions all dissuade and will prevent withholding from mankind the beneficial and welfare uses of atomic fission; but they also admonish that no material interest or economic profit of whatever advantage should persuade these nations to give to another nation of opposite ideas of governance and antithetical ways of life the use of this decisive weapon of war because of the suggested inapt analogy that Anglo-

American monopolistic knowledge of atomic fission is similar to the domination of Russian life by the communism of Marx.

The present tests the will and courage of the people of the West to the full; for it calls upon their confidence in the superiority of their past contributions to science now to plan for the greatest expansion of the application of atomic energy to the making of new and most devastating mechanisms of war the world has ever seen. The experience of the race requires that this work of intense development of atomic fission for war defense against aggression and for human economy must continue as during its period of experimental creation, under such rational secrecy as will protect the process and under such screening of the workers that will ferret out and punish the traitor. But this war effort of atomic expansion also should be carried on with that fervor and sacrifice as will make clear to Russia the determination of the West to stop Marxist aggression by every means science now offers through atomic energy of which she knows only what her workers have stolen or her leaders have bought from a few traitors.

Chapter Eighteen

JUSTICE UNDER UNITED NATIONS AS MECHANISM OF CONCILIATION

THE UNIVERSAL INTERESTS of mankind direct the evolution of a one world order governed by law as ordained by an organization of nations and enforced by an irresistible sanction. Mind always has overcome the limitations of the physical body and its material surroundings; and the processes that determine and evaluate human interests are conditioned by both external and internal environments of the mental horizon. It is because individuals see things and discern relations only as their senses carry to minds different images that diversities of cultures result and levels of mental and moral development vary; with consequent differences in religion, economy and government and contrasts in concepts of freedom and justice as foundations of reality.

These diversities and opposites disclose the necessity of man's constant effort to avert a natural tendency to confusion; and again is made clear the real purpose of life to be the conciliation of variant experiences and conflicting interests. This harmonizing function of justice can bring individuals and nations to the understandings that make for order alone through man's rational and moral nature.

The uplifting power of the dynamic mind has failed man only when in impatience of injustice or in exuberance of hope he prematurely has sought relief against wrongs; or in apathy of despair or inertia or indifference, he has been unable to meet the responsibilities or unwilling to assume the burden of directing his destiny.

We are here again admonished that the instant is the most momentous crisis in the rise and fall of the cultures of civilization, because global and mankind's utter helplessness against atomic energy. The world nations, in their determination to preserve universal order against the outlaw, must not imperil the foundations of their security and justice by the too soon abnegation of their sovereign power in over-sanguine zeal to give a world government to great masses of peoples, who have no desire for it, are unprepared to meet its responsibilities, unresponsive to its potential goods and indifferent to the chaos so radical and hazardous a change in world affairs invites.

There can be no free government of either free nations or of free men without public opinion sustains it; and this assumes individuals capable to create, mold and enforce its sanctions under conditions of equality of opportunity and of free enterprise. Government can be neither representative of its people nor just, unless a deep realization of personal responsibility impels every citizen to support loyally the nation or world-state in the assertion of its sovereign will against the outlaw individual or nation.

Representative government exists in name in many, but in reality in but few nations. Power, not reason or individual loyalty or civil duty, and the force of arms, not the justice of free minds, rule most of the nations and vast areas of the earth, whatever in name the form of government.

A world government representative of the peoples of self-abnegating sovereign nations can be organized only by nations whose peoples, after persistent striving, have attained the capacity and developed the purpose to be free and the will to subject to world order, or to destroy, the outlaw nation.

Such United Nations organization ultimately must develop in vigor and power, for although dictatorial autocracies may continue to rule as representative republics, they finally will be dominated by the free nations. And so must be evolved a realistic world structure with both the right of qualified veto reserved and the power granted, through control of atomic energy, to curb the anti-social or outlaw nation by force of the legal sanction

of arms—since there is no absolute veto in the conscience of humanity that condemns outlawry.

There is a world conscience, however feeble, that voices the protest of humane millions against oppressions, aggressions or wrongs, however lowly or weak the victim. It is this universal sense of justice which finally writes the decrees of history, whether promulgated by the force of world war and though only a small part of the common folk suffers the evils or wrongs that finally are remedied—as witness Ethiopia restored and Korea in present civil strife that hazards global war between the forces that now divide mankind as day the night.

A world organization, however, and the separate nations first must co-exist with such power given to the former and sovereignty reserved by the latter as the citizens of the nations determine is essential to the functioning in justice of both a world organization and national governments to the security of universal society and of individual or group welfare. The United Nations will become the everlasting contribution of the human mind to civilization only when its free member nations, with force of arms in obedience to its summons and under its plan, subdue or crush the outlaw nation that dares rebel against its supreme sovereignty and military power.

Chapter Nineteen

JUSTICE UNDER THE CHARTER AS REVISED

UNDER THE CHARTER as promulgated, no nation has surrendered its sovereignty to the United Nations, since it gives to any one of the Big Five nations power arbitrarily to veto any action proposed to the Security Council, which finally determines group action. The vital question then presses as to how the power of the world organization can be used against one of the nations of the Council to end its lawless aggressions.

No absolute veto can be vested in one nation without making the United Nations itself an outlaw, if it should declare war against a nation which, in legal right, arbitrarily exercises the power of veto to advance its own aggressions. Jealous as nations should be of their sovereignty, the organization expressly must delegate to the Council, or transfer to the General Assembly, or so construe the Charter as to grant, the power to determine all sanctions of atomic fission affecting questions of world peace by less than the votes of all of the Big Five and two of its member nations, lest the United Nations continue helpless to preserve order among either nations or peoples.

The Charter explicitly provides for its revision; and in reason it may be amended either (1) by the voluntary renunciation of all of the Big Five, or (2) by transfer to the General Assembly of the power of the Security Council, or (3) a majority of the Security Council may deprive any one of them from exercising the veto in a dispute involving world peace to which it is a party. The two last methods involve a change in or a necessary construction of the Charter, if the United Nations is to continue to function, when one of the Big Five seeks to justify its veto on the contention that (a) it

is not a party to the dispute or denies (b) it is guilty of reprehensible aggression or that (c) the issue by it vetoed involves the hazard of war.

This outlaw attitude of one nation makes the future existence of the organization depend upon the will of the General Assembly instead of the Security Council or the members of the Council must register their construction in accord with its explicitly avowed purpose to maintain world peace. The United Nations is without choice—world order can be maintained only by subjecting the criminal aggressions of the outlaw nation to the sanctions of its military power.

Chapter Twenty

PRESERVATION OF UNITED NATIONS AGAINST RUSSIAN AGGRESSION

WHEN THE ORIENT ended its isolation and invited the commerce and cultures of the West to share its ways of life, the universal determinants of civilization entered and forever thereafter became integral of the universal mind of mankind. During the succeeding centuries, there has been more of intercourse among peoples, larger exchange of things, freer trade in ideas, greater expanse of freedom, wider diffusion of justice and higher aspirations for a better life inspiring more individual minds than ever before had attended man. But his foundation human interests as individual and member of the group have not changed, since they are eternal; and what was before a small segment of human needs restricted to local fields is now become the universal want and striving of all peoples of the earth.

Wars between aggressor nations for lands or of religions for creeds before the first World War generally were among those of the same hemisphere and between tribes or nations of the same root races—West and whites, or East and yellow or brown. The Russian-Japanese is the only war between nations of the East and West; and the once feared conflicts of violence between white and yellow peoples would seem to be superseded by the challenge of aggressions Marxist Russia now makes to civilization, which raises the problem of the effect on world destiny of antithetical ways of life.

The allied nations of the second World War have been in earnest conference, since, following the Axis unconditional surrender, the Atlantic

Charter was promulgated and the United Nations was organized. A singular fate has made the victors allies; and even stranger destiny has destroyed all world dictators, except only Stalin, Tito, Franco and, within the last months, the Russian dominated war lords of Marxist China. Hitler's betrayal and blundering invasion of Russia, Churchill's wisest of human decisions in his choice of Russia instead of Germany as an ally and the foolhardy gamble at Pearl Harbor by Japanese militarists to rule the East made inevitable the decisive victory of arms and the alliance of the nations of America, England, Russia, France and China.

The oldest people of continuous existence as a nation in the history of mankind, the first of parliamentary governments, the most highly mechanized of nations of free enterprise, and the most powerful of totalitarian states and first of Marxist cosmopolitan economy now constitute a world organization. And the one issue vital to our civilization is whether nations and ideologies so opposite can in conciliation so appease their respective aspirations and purposes as to give the assurance of peace to such nations, to their peoples' happiness and welfare, and to the world an abiding security against an outlaw group or nation.

The Western free nations in war welcomed and, ignoring Stalin's ruthless prophesy that since they cannot exist together Marxist Russia must destroy the individual enterprise of the West's free nations, in peace now seek the cooperation of Russia in control of world order under the same sanctions against an outlaw nation. All of the Big Five nations have no choice but to submit to a qualified veto and every of them must now be subjected to the penalty of annihilation, if in rebellion to the constitutional decrees of the United Nations, it be adjudged the outlaw. Nazi Germany would not be appeased and so became the crushed outlaw of its rapacious totalitarian aggressions. The ending of the German nation will be the fate of Russia or any nation that opposes its will against the overwhelming power of world sovereignty as now vested in the United Nations; but at the terrifying cost of the most appalling cataclysm that has ever overwhelmed man.

Nations may not talk of appeasing an outlaw nation, nor dare they

now demand their rights as nations under what they assert to be the laws of either nations or of nature; for the very existence and power of their world organization against outlawry is the most vital issue that now confronts civilization. There is only one way, as the ultimate achievement of justice, mankind may preserve its humanity, save itself from atomic warfare and forever drive from the minds of men the threat of a nation's outlawry.

All of the dominant nations, with bold words in open session, must now avow the determination of the United Nations to be ruled by universal law decreed by the votes of less than all; and to the consummation of this end of justice, and that no nation shall use the veto to promote its own interests or aggressions, we should hope Russia will give up or modify her affronting use of the veto.

The United Nations' Charter, however, must not be abandoned, whatever the eventuality or the motives of Russia's insistence upon the veto—for therein lies the only hope of world conciliations. The time is now here when Russia must be made to know the destiny of the world and her fate lie alone in her final decision—for the free men of Western democracies are determined to remain free to think and work in free enterprise, for self-realization, personal dignity and privacy and the common weal; and for such ends propose to use every insrtumentality their minds have given to human science.

Chapter Twenty-one

DECISION OF RUSSIA AND WORLD DESTINY

THE CHARTER CHANGED in fundamental aspects the world organization as conceived by the Dumbarton Oakes plan. It created more than a world structure of sovereign states with principles definitive of their relations as political units in transition from war to peace. It ordained the first world union for the control of all affairs that grow out of the dominant interests of mankind as they affect relations and institutions of governance, economy and culture for the security and welfare of humanity.

A plan so stupendous in conception of world order must have grounded its foundations deep in the conviction that it could function only in universal justice determined by concessions of every constituent and the over-reaching of none.

Any of the Big Five may use its veto in conceived defense of its existence, and only the arbitrament of war can determine its real purpose; but no nation, without being condemned as an outlaw, may in self-aggrandizement, assert its veto in that enlarged segment which affects the dominant interests of humanity within the jurisdiction of the world organization.

So long as any of the Big Five nations refuses to restrict its power of veto, both the organization and the separate nations are without choice. Every nation must maintain its full power, whatever the destructive force of its arms; and the United Nations must function to enforce its sanctions against the outlaw nation, and continue in justice to control the dominant interests of mankind entrusted by the Charter to its protection.

If the Russian autocracy can prevent an army insurrection and suppress all aspirations of the Russian people for larger individual freedom, and if

the government of Stalin in fear of encirclement or in pride of nationalism or in over violent evangelism of international Marxism as of a religious dogma, can so continue to dominate Russia—then indeed the veto has ceased to be the instrumentality of self-preservation and is become the weapon of a nation's aggrandizement to the betrayal of the purposes of universal justice which alone gave to the United Nations an enduring foundation.

No greater disservice may be done to universal justice as the aspiration of world civilization than the contentions: It is unwise to modify or abolish the veto without abandoning the United Nations with instant substitution of a world parliamentary government; and that there is no relation between the use of the veto and the conflicts between Marxism and individual initiative.

The obvious fact that all mind aspirations and world material interests are now forming in irrepressible conflict—between the two ideologies of Russian atheism in religion, class totalitarianism in government and statism in economy and of the Anglo-American representative democracy in a free state and individual enterprise and of faith in a providential Power—admonishes of the instant peril.

An ideology of any concept of human polity cannot be outlawed; for neither dissent can be controlled nor conformity be compelled. But a government, whether ruled by force of arms or the opinion of free men, can exist only so long as it uses its power to repress the violences of insurrection or rebellion. The individual outlaw should not seek for rights under any higher law or under a constitution of the government his overt acts of violence would overthrow.

The problem that confronts free governments is neither the wisdom nor expediency of outlawing a political or economic theory; but rather, involves the preservation of a government that saves for free citizens the principles and methods of democracy and ways of life by them deemed essential to their self-realization.

Thus arises the question, fundamental in the solution of just governance,

as to whether acts in concert of violence intended to destroy the right to have the rights and duties of free men under a government of their choosing can be so defined as to make clear the purpose of that government to defend itself against an outlaw or a group of outlaws banded together as a nation to overthrow it.

War can be more than armed struggles of hate or greed for plunder or a creed. It more often is the patriot's prudential choice of human values and the ultimate means for achieving the aspirations of minds of good will for justice; or a deliverance from the worse ills that aggressive seekers for power would project on humanity in consummation of their aims for plunder or the overthrow of individual enterprise and free governments. All of these are the inevitable effects that stem from the never-ending purpose of man to crush the outlaws' intermittent and sporadic challenges to his eternal aspirations for the freedoms and justice by him won with labors of pain and sacrifices of martyrdom.

America, France and the British Commonwealth as the leaders of the free men of the world and the hierarchies of all religions, as seekers of the universal rule of the Power of righteousness, must now bear the heaviest burden civilization has ever placed upon the loyalties or faiths of any peoples. The fate of mankind challenges these nations to stand armed and world religions to remain steadfast and unyielding in defense of the human freedoms and everlasting things the United Nations is ordained to preserve—understanding, purpose and conciliation as the foundations of universal order, tolerance and justice under law and for humanitarianism.

Chapter Twenty-two

INDICTMENT OF RUSSIA AS AN AGGRESSOR NATION

WHEN SELASSIE of Ethiopia, with a sublime confidence in the justice of time, walked from the halls of the League of Nations, no voice was heard in protest of the outrage against his helpless nation, or of Mussolini's crime against world order under the pretext of his patriotic allusions to the past glory of Rome. Too long the free nations sought to appease Germany's obsession of the rule of the Aryan over all, and too late they tried to stop the occupation by Hitler of the Rhine heart of the Teuton Empire, followed soon by the Nazi seizure of Austria, devastation of Poland, subjection of every Balkan nation and domination of the whole of continental Europe.

American arms in two World Wars prevented aggressive totalitarian nations from destroying free governments and enslaving their peoples; but, in victory, the conquerors lost much of what had been won in battle. At Versailles, they tried to turn back time by the restoration of tribal rule and made inevitable the Second World War. At Yalta, concessions ceded to Russia and at San Francisco, the veto granted by the United Nations' Charter reposed a confidence in the purpose of Russia to remain loyal to the aims of her war allies that were in direct denial of the Russian form of government and ways of life. And so, the free nations were exposed to, if they did not invite, the aggressions of a totalitarian nation more hazardous to their liberties than their armies had just crushed, and, in the sequel, made probable a third global conflict that now impends.

England had her eyes on two nations during the reign of Victoria—the Russian Bear that walks like a man and the rule of the Teuton over all. Germany's domination of Europe was complete when Russia for the moment

became her ally, and England for a time lost her centuries-old struggle, so vital to her defense, to hold the nations of Europe in balance.

As a consequence of Hitler's later break with Stalin, Churchill's choice of Russia as an ally becomes of rarest wisdom only if we surmise that the decision was made in Churchill's conviction that the United Nations under Anglo-American control, if necessary, would stop with force the feared aggressions of Russian totalitarianism.

Until Churchill spoke at Fulton, no American statesmen had pointed to the abuse Russia was then making of its veto power. Since that epochal speech, every month of the years following has confirmed the reality of Churchill's fears uttered yesterday that England's peril today is greater than after Dunkirk.

As witness the successive aggressions of Russia against the world's free nations, which but repeat the march of Hitler through Europe until today, with the exception of a few small states, Russia dominates the whole of Europe East of Berlin, with no buffer state to the West of the Atlantic Ocean now between, or from the seas of the North to those of the South, making imminent Russia's immediate conquest of Europe. And most of what was China in Asia is ruled by the war lords of Marxism, who now but not for long over-run the lands of Asia in Korea to the North and in Indo-China and Burma to the South.

The aggressions of Russia have radiated in all directions from Moscow and the constant disavowal of Marxist propaganda only confirms the purpose of Russia to subdue both East and West to its rule. They have exposed the Balkan nations in Europe, Persia and the states bordering the Black, Adriatic and Caspian Seas and Indo-China and Korea in Asia as vulnerable points for Russian attack.

The extension of the frontiers of Russia under coercions without war and the propaganda of Marxism with the violences of war in Asia are not only of peril to Asiatics, but the danger to the free nations of the West can neither be exaggerated nor its possible effects on world civilization foretold. This is the more alarming because the present conditions of economic chaos

and political anarchy in large areas of Asia are in direct reversal of those of a few years ago; with attendant tyranny and brigandage in China and enigmatic trade relations, economic ties and political loyalties and uncertain the eventual war alliances of the inscrutable nations of India and the near East.

A wise statesmanship had then made China one of the Big Five of the United Nations and had impelled England and the United States to support the Nationalist Party in China against the Communist propaganda in and invasion of China under Russian direction. And so, Nationalist China thus became a strong ally of America and England in Asia and in the United Nations against the aggressions of Russia.

MacArthur's attitude of conciliation and his constructive aid to vanquished Japan may prove to be foresight exceptional in human affairs in the knowledge of the debacle that has attended the puzzling English and American withdrawal of support from Chiang Kai-shek and their abandonment of what little there was of free government in China with him to find refuge in Formosa.

The violence in Korea neither began nor will it end with the armed forces there now fighting, nor with the dominant nations for and against either satellite combatant. The Korean is not a war of land hunger or for sea power; but is a struggle that transcends the immediate wants for a local Republican or Communistic government, or between the conflicting interests of the two Korean nations, or of any nation of which either is the satellite.

It partakes in its root causes and potential effects of those vital and universal aspects of civilization that mold and direct the eternal forward urges and upward trends of mankind's destiny.

The indifference of England or America to the nature, or discerning it, their ignoring the real significance, of the problems of Asia in world relations during these years of instant crisis, may become a tragic interlude in the development of that universal society which a catastrophic war of all the races, colors and creeds of the hemispheres may be the eventuality.

The West dare not forget half of mankind live in Asia as heirs to the

oldest continuous human culture. China is the heart of that culture and her peoples have dominated this vital sector of the world through all recorded time. For like the circulation of the blood, the life of the East has flowed to, from and through her land and water trade routes to Russia and Korea to the North, to Japan, Formosa, the Philippines and islands of the Pacific to the East, to Indo-China, Indonesia, Malaya and Burma to the South, to India, Persia and Turkey to the South and West.

It takes no rare discernment for the nations of the East to realize her billion and a half of people, for millennia struggling with hand and ox for a meager subsistence from exhausted soil, have existed at such lower level of life than the West that their present one purpose is to end this insufferable contrast. And they fast are coming to believe, what some leaders of the West fear, that these now backward billions hold in their revolutionary striving for a piece of land in hope to sustain life, the destiny of mankind on this planet.

The ideologies and ways of life which these now neglected peoples choose in the future to follow and the cultures of the Western nations they finally adopt vitally will mold and may ultimately determine the course of world civilization. This is true not alone because of pressure of population, but for reasons deeply imbedded in human growth. The vital force of physical energies—disciplined by centuries of toil and of minds forever wanting, but now for the first time given opportunity to attain, the higher life level that closer contact with the West alone could inspire—in the near future certainly must give forth such irrepressible urge for land reform and of creative development of natural resources and the expansion of mind reserves, that the stupendous force of momentum in metaphor alone can measure.

Minds of ordinary intelligence observed as clearly before the event as now that the obvious strategy of world Marxism made necessary its immediate crushing of the Nationalists of China and the destroying of Kai-shek who stopped the first Marxist invasion and saved Asia for ten years from Russian rule; the arbitrary partition of Korea and Russia's strengthening

of North Korea's war power; the Yalta permission of Soviet entrance into Manchuria with control of its principal ports in violation of China's rights and of our duty to her; and finally, the infiltration into the Republic of South Korea and Manchuria of Russian Bolsheviks.

Russia having heard the President and his Secretary of State declare America would provide no military aid to the Chinese forces now in defeat on Formosa, but which from the first had fought as our only ally in Asia against Marxism; and having witnessed Anglo-American submission to her use of the veto to bar the South Korean Republic as a member of the United Nations; and having also, flaunted the exalted declaration of the freedoms in the Preamble of the Charter and the avowed purpose of its Articles to do justice and pledge of aid to all free nations—it is not to be wondered both Russia and her puppet viewed as a mere gesture America's sacred promise that the United Nations would defend the Korean Republic under its world plan of free nations.

These aggressions of Russia against Nationalist China and the Korean Republic, notwithstanding our erroneous acquiescences, if not blunderings, have carried her over the line of menace and have made her an instant and actual danger to world order.

The United Nations has declared the attack on the Korean Republic is a breach of world order; and all its member nations have been summoned to armed service to enforce that order or show cause why the United Nations should not adjudge her an outlaw. And Russia as a member of the United Nations dare not, without treason to world order, attempt to supply military aid to any outlaw nation; but the United Nations in defense of supreme global sovereignty with the armaments of all her member nations must now maintain world order.

Chapter Twenty-three

SOME CORRECTIVES OF INSTANT ERRORS

ONE OF THE ERRORS here discussed partakes of a too sanguine confidence, which exposure alone can cure; the other results from the designs of aggressive and wrongful purpose, which no euphony may palliate. The correctives in solution of civilization's problem in Asia are neither divisive nor alone defensive. Similar action should be taken by the organization as by every member of the United Nations. For the delicate job to be done is of greatest magnitude, and is more than the defense of a nation or segment of world culture. It is constructive and universal in scope, involving both the backward races of the East and the future forward looking peoples of all creeds and every color living any place, in jungle struggles or in relations of concord and justice.

Suspected by the free nations, Russia may soon have to answer the charges of outlawry. Accusation is not guilt and duties must be performed and things done in this greatest of human undertakings by every free nation and the United Nations to avert war by prevailing on Russia to end her political and military aggressions; but this failing, they must vindicate and preserve the ways of freedom and justice against the wrongs and oppressions of Marxism.

(1) Every of the United Nations must join America, France and England, as the dominant free nations of the world, in obeying the summons of the United Nations to defend any nation in Asia or elsewhere against the outside oppressions of Russian Marxism.

(2) To circumvent Russian strategy though it bleed them white, every member of the United Nations must give its all of resources for the maintenance of order against chaos, the protection of every free nation against

aggressions of outlaw nations and for the self-realization of all individuals.

(3) Since Russia so has exercised its veto as to frustrate the purpose and imperil its existence, the United Nations forthwith must revise its Charter by abolition, renunciation or acquiescence in a conciliatory interpretation of its restricted use.

(4) The portent of future conflicts of the hemispheres should envisage war alliances of all races and colors of the free nations of the West and East.

(5) The Nationalists of China under Kai-shek, the Japanese under the Emperor and the peoples of India, Burma, Indo-China, Indonesia and the Philippines are against Marxism. Because they now strive for our ways of economy and governance, and seek our aid and friendship, America and England must tie all of these nations to the United Nations and so make the free men of the East the military allies of world freedom.

(6) A portentous error will result if the United Nations does not support the anti-Marxists of China as its answer to any effort of Russia, in final consummation of its aggressions, to substitute the Marxists in present control of China as one of the Big Five Security Council of United Nations.

(7) It may now be too late to restore to the Nationalists of China the aid of war armaments which they lost when they were abandoned to the Marxists of Asia; but it seems now inevitable that the strategy of Russia will compel the United Nations to defend its armies now in Korea against the instant aggressions of the Russian Marxist army that now menaces from Manchuria and has the whole of China under its heel; and thus may be precipitated the third world war.

(8) For although a government may be the constitutional choice of the people of another nation that is obnoxious to the political structure or economic purpose of the free governments of the world; yet because such revolutionary government, as the satellite of another dominant aggressor nation, may become a real menace to civilization, the free nations must withhold their recognition until satisfied the new government represents in fact the will of the governed, as the peoples of China, and not their subjection imposed by military power, as of Soviet Russia.

Chapter Twenty-four

SOME FACTS EXPLANATORY OF THE ABSOLUTE VETO

THIS OUTLINE of correctives should not close without supplemental reference to some sinister facts explanatory of the insertion of the power of absolute veto in the Charter, disclosed since the foregoing paragraphs were written, and, also, without expressing pride in the decision of America to take over the burdens of leadership for universal freedom and justice against the world aggressions of Marxism.

Obvious and hazardous as was the risk of giving an absolute veto to an aggressor nation of Marxist communism, it becomes both *contrary* to the then Secretary of State Stettinius' avowal of the veto's approval by all agencies consulted in the writing of the Charter and *not understandable*, because utterly inconsistent with the statement of a former President of the American Bar Association* who, in his review of the writer's book on Justice Under Law, says:

"That the veto must be renounced * * * or its exercise limited * * * finds acceptance with this reviewer, who, *as legal consultant to the American delegation at San Francisco and with the concurring support of the majority of the official consultants, proposed that there be no veto * * *; otherwise aggressors would, by the veto, frustrate the purpose of the entire organization.*"

It will be recalled that an accused Communist, whose conviction of perjury in denial of his sinisterous association has been affirmed, as the representative of the State Department, who was active in the formation of the

*Hon. David A. Simmons.

United Nations; that he carried the Charter to San Francisco and presented it to the Conference which he opened, over which he presided and of which he was the secretary-general; that both open and covert opponents of Kai-shek, suspected of communistic contacts, were in consultative or active service of the State Department during the critical period of the shift of American support from her Nationalist ally; and that our Secretary of State Acheson was in a Paris conference when, with only remotest suggestion of peril but no immediate apprehension, war broke in Korea.

President Truman, in reversal of his prior Formosa utterance and certainly without the aid of his Secretary, on the instant, with signal courage and full grasp of its real significance to the free nations of the West and to world civilization, made declaration of the purpose of America to join with the world's free nations in their determination to stop, with force of arms, the aggressions of Russia against the decrees of the world tribunal.

It may be this bold stand by the President is without explicit warrant in the United States Constitution; but there is certainly authority in the forum of the conscience of a free nation's duty as ordained by its allies, and as promulgated by its own sacred proclamation. The conqueror nations pending restoration of nationality to both defeated and allied peoples, owes the duty to maintain order under governments of justice to the end of saving for them the individual freedoms of the West.

Who can deny the obligation rested on every of the Big Five nations to come to the defense of any one of them that was attacked by an aggressor nation? It was this duty, whether to one of the Five or another nation, that made imperative our aid to Nationalist China; and our breach was so clear when subsequently we abandoned Kai-shek, that we must continue condemned until our aid again to an anti-Marxist government of Asia pardons the guilt of our betrayal.

The President must have determined that America could not evade this momentous duty when a defenseless Korea, seeking our ways of life, was attacked by a nation dominated and directed by a totalitarian autocracy

whose aggressions already had imperiled the freedoms of mankind. The performance of this duty assumes the aspect of the sanctity of a task that has to be done though the heavens fall, when one recalls the global purpose of the Monroe Doctrine is to end, if need be by war, the aggressions of an outlaw nation against any people who seek our freedoms and way of life.

Chapter Twenty-five

JUSTICE AS IDEOLOGY

THE COALESCENCE or colligation—for science assumes both a blending and a binding or either—of three forces within the circle of cosmic energy emphasizes the significance of the universal inter-action of all energies in time, space and human relations. It too suggests some obvious analogies in the physical, psychical and ethical forces that may illuminate the nature of the triad, separate the mechanisms which implement each and explain the function of ideas and their relation to justice.

Within this circle is one triangle whose sides of *organism*, the present embodiment of past experiences, and of *environment*, the instant sensorial stimuli, determine the present and mold the future *individual*. Mind and morals have their source in an animal past; and the flow of impulses and ideas is simultaneous in *consciousness*, the other vertices being *sensation* and *memory*. In a third triangle, the sides of memory of past *experience* and of conscious *purpose* define the nature of personality and fix *character* as the ultimate achievement of man and the one absolute of his justice—the beginning and end of all ideas of the good and right and the kingdom of all ideologies within the human mind.

An ideology in its earliest meaning signified the pondering over of any general ideas; but now defines the ideas themselves which are comprehended within surveys of the political, economic or social aspects of society as they relate to both the purposes and functions of government.

Mental processes are as various as human minds and experiences and ideologies are usually antithetical. Ideologies are in conflict because of differences in the time and place of their development, the mental and moral level of the civilizations in which they are evolved and the traditions,

customs and laws of the races or peoples whose culture they embody and whose government they create and dominate.

Present ideas are the partly realized ideals of the past and become, in the eternal cycle of meliorism, the aspirations of mankind for a higher level of justice. These ideals and aspirations grow out of man's self-realization; and so involve the vital interests which discipline his body, control his relations and satisfy his material wants, mind curiosity and strivings.

The disciplining of the animal survivals of man, the governing of persons through control and by subduing the outlaw, the fixing of individual freedoms in the political structures of states, the determining of economic relations under the institutions of property and the motives of private enterprise to the end of profit and the universal aspiration for justice to all and in every relation of life—these are the pragmatic human interests, which during the ages have constituted the essence and are the functions of the ideologies that have contributed to civilization through the shapings and directives of education, the faiths and teachings of religion, the uses of property, the principles of politics and the sanctions of government under law.

Civilization must now build on the foundation that two global wars settled for all time—the supremacy of representative democracy as the efficient and just mechanism of government, industry and trade. We of the Western world, with blood sacrifice, have saved for humanity this pattern of order, freedom and economy. Too soon we again now have to defend our way of life, and are forced to fight for the conviction that private property, free enterprise and representative government can be preserved and extended only to the degree free men, in the rule of liberalism and self-realization of the individual shall bend the nation to the general welfare.

Freedom to think, to speak and to act alone or in association with others of similar conviction and purposes are foundations of justice. Take from the individual his inalienable rights of free association, free discussion and free group action in accord with his conception of private interest and the public welfare, and you leave him poor indeed. For he is shorn of all faiths

of religion, deemed sacred to the conscience of some; and is deprived of loyalties to every ideology, in measure necessary to all who value mind and its creative potentialities in economic and governmental action.

Individual struggle for existence and the rivalry of groups for power are both natural and everlasting. It is, however, a false conception of the development of civilization and a distorted picture of world relations to over-emphasize merely the struggles of states or groups; but to ignore or to underrate the mind strivings and aspirations that have motivated the people, who rule, to achieve and to maintain, under justice, their conceived interests.

In physics, it is not the mere manifestation of power, but actual change in the nature of the energy that supplies the moving force of the wheels of industry which, through the centuries, has produced the means of life and constantly has modified its customs and ways to higher levels. Man always has used an adequate force of some kind for the power needs of his existence. So ideas are the dynamic agencies of mankind and the creative, directive and formative instrumentalities of civilization, which in struggle and war, but not without intermittent peace, have evolved and determined the destiny of man, his nations and organization of nations.

It is egregious error to accept as reality a world pattern of nations in war rivalry for the spoils of power—natural resources for subsistence, trade, or to make war—and to overlook the mind purposes of men in society, their cultural loyalties and faiths of religion and their aspirations for freedom and justice in economy and government. Such picture of universal rivalry of nations leads inevitably to the final arbitrament of war, which blind fate decrees in successive violences alone for material satisfactions and to the utter exclusion of contributions of the dynamic mind, without which there can be no human development or civilization.

Chapter Twenty-six

JUSTICE AND FOUNDATION ANTITHETICAL IDEOLOGIES

IT IS NOT FATE which engenders the international rivalry that victimizes individuals and nations. Both are the instrumentalities that have created the modes of life, structures of society, organizations of economy and government and the kinds of culture and religion that are specific unit sources of the conflicts, which have resulted from diversities in the aspirations of human minds at different times and places.

Nor is it the fact of *rivalry* among groups or nations; but it is the *interests* of the peoples of such units and the aggressions of their outlawry in seeking satisfactions, that determine the destiny of mankind and manner of its solution.

For it is our ideas about things and relations that create our interests; and our emotional reactions drive us to strive and fight for body satisfactions and mind aspirations of always higher levels. America abandoned the security of its isolation and gave its armaments and men in global wars, not because of either desire or duty to control or regulate the conflicts of the nations of Europe or Asia, but alone to save the freedoms its civilization had wrought.

Our sacrifice indeed has been in vain in the crushing of one outlaw totalitarian nation which exalted power to the extinction of individual self-realization, if, when confronted with the aggressions of a nation of similiar autocratic mold—with an economy opposed to free enterprise, ethics based on the morals of Hercules and with no place in its government for religion or freedom or justice under due process of law—we now supinely accept the conflict of ideologies between Russia and the world's free nations as

permanent and incapable of solution because, it is urged, rivalries among nations are impossible of abolishment by war.

So the world is now confronted with a conflict not alone of nations in unceasing rivalry, but with a struggle to death of ideologies that stem from the foundation antithetical ideologies of human thought, which the Court of Civilization always has ended with its final decree of enlarged freedom and more delicate justice.

As we look into the far distant past, we can see two foundation ideologies that have struggled through the centuries for dominance in the life of the individual and the development of his institutions. Whatever the aspects of the ideologies that have brought forth distinctive cultures and diverse structures of government, economy and religion, they all have arisen from, and are expressions of, similar universal innate attitudes and eternal aspirations of mind in antithesis.

The contrast is between those who want or are willing to be ruled and those who themselves must rule, between those who wish others to think for them and those who live by and for free thought, and between those who, in loyalty and duty, obey authority and those who, as individuals, create and control the sovereign power that governs them.

The clinging to the old, the seeking for security in status and in church or state aid, the search for favor in obedience to authority and the prayer of faith in the worship of a providential Power, are (1) the ideologies of a conservative legitimism that have served man at all stages of his development. But in the unfolding of his mind growth, these aspects of human adaptation always have been in stubborn and everlasting conflict with (2) a progressive individual liberalism. This attitude of mind is exemplified in those strivings for change and freedom and in those struggles against the violences of power and the wrongs of privilege, that eventually make real our eternal aspirations for justice as the avowed purpose of an always better life under an ever higher law of reason and the right.

PART TWO

CONTRIBUTIONS OF JUSTICE
AND POLITICAL AND WAR
SCIENCES TO CIVILIZATION

Chapter One

CONTRIBUTION OF JUSTICE TO DEVELOPMENT OF FREE GOVERNMENT

THE ETERNAL PROBLEM of governance and economy is the conciliation of the conflicting wills of men, the graspings of nations and the interests of both individuals and groups, which is in ever ending process of definition and solution through the application of principles of justice. These ideas of justice are conceived in understanding, expressed by public opinion, inculcated by education, accepted by governments, made real by the fear of authority and enforced by the power of sanctions; but, in opposition, rebellion or war, are finally settled by the arbitrament of arms.

The underlying conflict of individualism and statism, that now confronts and confounds man, involves the alternatives of negative regulatory laws for necessary order and the affirmative administrative policies for assumed welfare. The solution lies not in the acceptance of one to the exclusion of the other, but rather in the modification of both to the assurance of social balance through compromise and conciliation.

The contribution of religion to political and societal development, and the inclusion therein of the law of nature as the final rule of justice must be supplemented by reference to both the disservice and service of war to justice, by fair discussion of the ideas and epochal reformations of the rationalists, if a full understanding is sought of the dominance of mind in the evolution of government; and particularly, as a prelude to the acceptance of representative democracy and individual enterprise as the essentials of all freedoms.

The rationalist conceives certain periods in the intellectual development of mankind, from which emerge fundamental concepts that have become the foundations of human society, as confirmatory of one of the harshest generalizations of paradoxical thought—that war times of carnage and destruction are also periods of greatest intellectual ferment and achievement in science, religion and government.

Seven such epochal periods recur as the concepts of representative government and free economy are reviewed: Disservice and contribution (1) of ancient ideologies and wars, (2) of religious wars, (3) of the medieval church-state, (4) of revolutionary rationalism, (5) of the European and American revolutions, (6) for constitutionalism and (7) the modern global wars for justice under law and for humanitarianism.

Brief discussions of the nature, purpose and justification of war, of its contribution to justice as the essential of civilization and of the limitations and disservice of pacifism to the development of man and his culture should precede the separate consideration of some characteristics of these historical events.

Chapter Two

WAR AND JUSTICE UNDER NATION AND UNITED NATIONS

WHOM THE GODS would destroy they first make mad is ancient truth applicable alike to individuals, nations and cultures. This is because emotions of anger, resentful of changed conditions hit back, unbalance mind control and subject man and his institutions to animal defensive violence. We thus have the beginnings of all misunderstandings that lead to struggles between individuals and ultimately to wars among nations. War then is not the cause, remote or proximate, of the decay of a culture, but it always has accelerated the downfall of an already decadent people or of a nation aggressive beyond its military power or ability to conquer.

Peace and war are contrasts of mutual exclusion; but justice defines all aspects and relations of men and things. War is struggle of armed sovereignties for power or of hierarchies of race, religion or ways of life for mastery, or of freedom and justice for survival against an outlaw people or nation. Peace seeks justice and justice contributes to peace by compromise of conflicting interests.

An anatomy of peace, however, that excludes mind, as the vital essential of its purposive functioning for order and of its aspirations for security and justice, is but an outline of a body without a head, and of both the individual and civilization without morals. It is a root fallacy to assume the sole cause of war is the particular form or nature of the organization which declares war or does the fighting. And so to ignore the human mind, as the irrepressible force of universal justice, and the will of civilization

to survive against the outlaw, as the real impelling drive of groups to war—whatever their structure or however bigoted or tolerant the race or religion, vulgar or cultured the ways of life, or cruel or exalted the concepts of justice in conflict.

For tribes become nations, governments change and interests vary; but man never ceases to be *human* and in the ultimate of war, his organizations and institutions risk their existence in defense of their convictions of justice. Our material interests, graspings for land or in trade, ideas of the right and ideals of culture and freedom, ways of life and pride of race or certainty of divine favor—eternally are potential conflicts of violence. They are the geneses of war for which groups and peoples contend more than for mere dominance and power; since they never can cease to defend freedom or to strive for the satisfaction of aspirations, and always must seek justice against the outlaw nation or aggressor group rebellious of national or world authority under the rule of law.

Moreover, it is a paradoxical and meaningless contradiction to assume wars are fought only for peace. Since history demonstrates the continuity of war with interludes of peace to be one of the irrefutable facts of human experience, man may only indulge the rational hope that atomic fission's destruction of the aggressive outlaw soon will lengthen the eras of peace and so lessen mankind's need of wars for its periodic outlet of those human energies that destroy injustices, remedy wrongs and lead civilization always to higher ways of life and finally, to more just and humane relations.

Whatever the justification for past wars, the mind free of hatred and of fair judgment can conceive of *self-preservation* as the sole warrant for war. No nation may injure another people in war or in peace by any act with more right than an individual outlaw may assault or take the property of his neighbor. Defense against the forces of violence that would destroy man's highest values of freedom and justice is the one justification for war in this modern world, which recognizes the similarity of nations to the moral obligations that attend individuals in all relations.

The anti-social individual must be controlled by force of government, else his outlaw aggressions of violence will destroy the real values of civilization. The group, the nation or group of nations must use the force of arms to repress insurrection and repel any invasion of its territory or to restrain the aggressor nation from overt acts hostile to the general welfare of all nations, and particularly, that destroy the balance of power among all nations of similar pattern or members of the same organization of nations. It may be the balance of power cannot maintain peace among rival nations; but a defensive alliance against totalitarian nations that seek extension of domain and increase of power, can prevent the extinction of democracies and the economic enslavement of peoples.

Chapter Three

WAR AS ULTIMATE AND ERROR OF PACIFISM

IF WAR is the ultimate, remedial of intolerable conditions resulting from insufferable wrongs, its near or remote repercussions upon civilization must be ignored. For the consequences of war are relevant only in weighing the inevitable necessity of the appeal to force, after reason has concluded the futility of appeasement or conciliation.

The surgeon with firm skill removes the malignant tissue at the risk of the patient's life only after scientific diagnosis discloses the disease certainly will kill. So, if the war aggressions of an outlaw nation against free nations, or the decrees of their organization, can be stopped only by its defeat in war, then the eventualities of the remedy must abide the event; and reason can *then* decide, with its instant determinants of justice, the nature of the future civilization.

It is suggested as contrary to human experience for statesmen to refuse to apply this final and only remedy, on the ground pacifism arbitrarily assumes as the basis of its sophistry: That the "reactions of war produce more evil."

Nehru, in support of his conviction that "so far as Asia is concerned" the "crusade against communism is wrong and not even practical politics," says:

"The question in Korea is what's the next step after the fighting ends, and will the intermediate moves help in the next step."

It is suggested, in the knowledge the Indian Premier supports the United Nations' indictment of Marxist aggressions against Korea and also its declaration of war against Russia's Marxist satellite, that his criticism of

the crusade of free nations against Marxism is inconsistent with his acceptance of military necessity, and is irrelevant, except as it invokes pacifism's absolute: The inherent wrong of war because of its evil reactions.

Realistic minds in the solution of the affairs of human polity or scientific research seek pragmatic answers to the instant problems, as presented by their observations, in the hope that trial or experiment will give the desired result; but their research proceeds in utter disregard of the possible consequences of their uses of available human means.

In governmental and economic realms, order, freedom and justice have been achieved only as man has put into action his aspirations by his utilization of means contributory to helpful use at the time of his actual trial efforts. And the illuminative revelation of an omniscient Creator is the kind of intellect that is developed in the search of science for the things beneficial to human life and welfare.

Man's courageous efforts of trial and research in disregard of all deterrents, but with utilization of the actual effects observed, is illustrated in his miraculous development of light and power through friction. Innumerable centuries passed since mind first saw sparks from rubbed sticks glow into light and heat. But it is just within the present and preceding centuries that Farraday conceived and others have taught man how to generate his light and power by friction within a magnetic field. And only during the last decades, Edison, Flemming, DeForest and others each added his contribution to that of his predecessor in the successive experiments of so passing an electric current through the earlier conceived vacuum tubes of Crookes and Geissler, that man now sees through flesh, walls of stone and limitless space, moves with the speed of sound and hears his voice and soon may see around the earth—and this all because the creative mind eternally builds a future at ever higher levels on eventual realities, however futile or far afield his plans or visionary his dreams.

Chapter Four

DISSERVICE AND CONTRIBUTION OF ANCIENT IDEOLOGIES AND WARS

PLATO IS ACCLAIMED the master of philosophical writing; and yet no mind unaffected by the glamour of centuries of praise for the charm of his detached approach to ideas can close his books without the conviction: That he surpasses all ancient thinkers in the number of his foundation political concepts, which later minds of enlightenment have regarded as not adaptable to human affairs or to modern conditions. His idea of the attainment of perfection in government that knows no change, is not of this world, but for a celestial realm.

The purpose of his perfection is neither happiness nor comfort nor contentment of all peoples of society; but the end of all body training and mind discipline is the development of courage in battle of the individual citizen, who is a slave to the national will. And so, war on earth is his conception of an everlasting status for the attainment and permanence of human perfection.

Plato was a traitor to Athenian democracy; and his philosophy of the police state, realized in the modern totalitarian patterns of Hegel, Hitler and Lenin, gave comfort to the enemy after Spartan autocracy had won the Peloponnesian War and so dominated Athens and the whole of Greece and its islands. His paradoxes had lured the Greek mind to the mists of metaphysics, from which man has yet to escape.

Moreover, Plato ignored the basic principles of creative energy in the

structure of the elements of our earth, its life and its universes; and he has become the accepted source of the philosophy that supports the modern police state as the essential of community of property—the foundation ethic of his economic society.

The cosmic energy principle first was conceived in the structure of the atom by Democritus at a time when the initial great change in the ideologies of Western cultures was taking place; and it is his crude concepts of changing atomic forces and of his espousal of the cause of human freedom that finally have mastered and now dominate man's scientific and political thought as affecting economy or morals.

It was, however, Aristotle who detected the significance of Democritus' contribution. During the century of Alexander's plunderings and slaughters in the world's first conquest, the highest level of Grecian culture flowered in Aristotle's idea of the nature of man and his governance, which for eighteen centuries dominated human thought.

Polybius contrasts the contentions and fall of the Greek states with the stability and harmony of Rome's expansion of empire during the Carthaginian wars and attributes it to the balanced harmony of the Roman state. He is the first thinker to point out that: (a) The state is a mechanical structure which holds in balance, (b) through a system of checks and balances, (c) the conflicting forces and power of three groups—absolute consuls, aristocratic senate and democratic tribunes.

Cicero within the century following Polybius, amidst the tumults of civil wars, praises in its decay the eternal virtues of the Commonwealth as the best of human governments—because, as he perceived, the law of nature was a part of its every function under rules of Roman law, which gave a practical justice to the Stoic principles of liberty and equality as conceived by the individual conscience.

Thus, the law of nature was in vain invoked by Cicero to save the greatest of ancient representative republics from becoming the empire of a tyrant's will. But its foundation purpose survived as principles of Roman

law, through church and secular authority; and finally, became the conscience of mankind in mollifying the barbarisms of war, alleviating the conditions of family life and social relations and in enlarging the field of the individual in choosing his rulers.

Chapter Five

DISSERVICE AND CONTRIBUTION OF RELIGIOUS WARS

THE NEVER ENDING STORY of man's struggles through the successive cultures of his civilization repeat religion as a dominant cause of his wars. The worship of tribal idols and loyalties to ways of life inspired all primitive and barbarous peoples, East and West, to fanatical violences. We of the cultures of the West have fought over four distinctive aspects of religious experience.

(a) The conception of God as creator and universal ruler finally prevailed over the pagan divinities that personified the forces of nature.

(b) The idea of one omnipotent Power expanded as Rome dominated the Western world. It became more fixed when the empire in decay divided, because two new religions then evolved from the same assumption of the fatherhood of the one God; but with contrary beliefs of the true Son as his earth vice-gerent. Jesus as the Christ of the West and North colonies of the Roman Empire became the teacher of Christianity, and Mohammed's sword made him God's prophet to the Roman colonies of the East. And the zeal and violence of Islam swept through Africa to Spain, but its menace to Western civilization was stopped by Christian arms at Poitiers in France.

(c) This peril ended when the Moslem Turks were forced back from Vienna never again to challenge Christianity as the religion of the West until centuries later, after Charlemagne and then the Emperor of Austria had marshalled the Christian states of Europe against the Moslem invasion and so finally and forever saved Europe for Christianity.

(d) The sixteenth and the seventeenth centuries were of wars between creeds and sects of Christianity. The latter century was without a decade of peace and scarcely three successive years without wars of religion or for land, between nations and colonies or among princes for supremacy or classes in conflicts for power. And yet in the darkness and despair of these times, there were eyes that saw new universes and minds that gave certainty to the basic laws that govern life and underlie all of the sciences; and that conceived new theories of individual being, political organization and societal relations.

It was the emotional intensity of these conflicts of creeds, sects and religions that made all who pondered the problem of man in association to become partisans and zealots; induced the thinkers to revive for more accurate statement the doctrine of sovereignty and the fundamental function and form of human government; and evolved from conditions of hate and blood the revolutionary principle of the separation of State and Church as the profound contribution of reason to the order of society and to the freedom, tolerance and justice of mankind.

In the consideration of these problems, two streams of thought flowed from as many distinctive sources: (a) The religious protest as conceived in the divine will and (b) the growth of the common law as declared by man.

It was the inherent difficulty of discerning a practical method for declaring what was conceived to be the law of nature ordained of God that drove human thought, in its purposive desire for peace and order, to the necessity of striving for freedom of belief and worship. Thus, finally, democratic methods in religious organization emerged and religious freedom and political liberty became integral when religion was separated from secular government.

The reign of law, before which all are of equal rights, as the dominant force in human relations under a government by free men for their welfare, is the contribution of that body of lawyers and judges who, in the confidence of man's ability to govern himself, courageously stood for the supremacy

of law to which even the king was subject. They diffused among the people the faith that every English subject was born with an innate human right which arbitrary power could not abrogate, and finally, formulated the great declarations of fundamental rights and liberties upon which governments of representative democracy rest and constitutional law is founded.

Chapter Six

DISSERVICE AND CONTRIBUTION OF MEDIEVAL CHURCH-STATE

THE RELIGIOUS LIFE alike of the Hebrew, whose Jehovah was the one creator and ruler of all, and of the Christian and Mohammedan, with similar deifications of a human life, gave to mankind monotheistic conceptions of an anthropomorphic God, whose son or vice-gerent was the Savior of mankind. It seems incredible that for a thousand years human thought was in almost complete eclipse and that fourteen hundred consecutive years should be barren of permanent scientific, political or societal achievement. And yet during the period from Ptolemy, in the second to Copernicus in the sixteenth century, no great thinker with either new concept or idea or revival of old contributed to the stream of political or economic thought or changed the course of either.

The culture of the Greeks, which in pure thought had reached heights never surpassed and in science had uncovered nature and guessed her secrets, and the Roman concept of justice under impersonal law during this period were submerged in two homocentric dogmas which authority inculcated: (a) The one dogma was religious, and made the eternal salvation of man the center of divine concern; (b) the other was scientific, and made the sun and planets revolve around man and his earth.

The cause of this stagnation of the growth of the human mind may be found in the opposite natures of the dominant determinants that influenced man during this period. These forces were the ignorance and superstition of the great mass of subject people who were just emerging from

tribal life and the religious authority and secular power of the Church which governed and molded life. All Western learning was under the dark shadows of barbarism that covered all Europe except its north Mediterranean fringe and the scattered spots of colleges and monasteries, and of a symbolic and dogmatic religion, which ruled mankind through a Church of iron power founded on the political structure of the Roman autocratic state and discipline of its legions; and it was dominated by the authority of the pagan Greek philosopher, who was yet the "Master of them that know."

Who dare say that the power employed, the discipline displayed, and the authority asserted by the Church in its avowed purpose to Christianize and unify mankind, were not necessary to protect Western cultures from the upheavals of barbarians; and that the Church was not the political instrumentality for the maintenance of civil order amidst the fanatical restlessness of the crusades and against the influx of semi-civilized tribes? Moreover, it was the Church and its monks that kept the lamp of learning burning and who took over the torch of scientific research from the hands of the Arabs, and kept it lighted even in the darkness of its dogmas and authority.

It was, however, the quiet and sensitive ecclesiastic and student of the law, Copernicus, who, without either himself or the Church realizing its religious impact or scientific import, initiated a cultural revolution that was subversive of Church creed and which later—through the minds of Galileo, who sought, and Newton, who found, the universal law of cosmic control—destroyed forever the authority of Aristotle.

Copernicus could not accept Aristotle's doctrine of "natural places" or his theory, as stated by Ptolemy, that the celestial bodies moved daily around the fixed earth; and so he was the first to apply the facts of relative motion to the solution of the movements of the planets. He revived the teachings of Pythagoras and Aristarchus, concluded that gravity is the integration of all matter and demonstrated the annual revolution of the earth and the other planets around the sun as a centre and the earth's daily rotation on its own axis.

The far reach of the Church-State's dominion over the individual ended with the change of Ptolemy's geocentric to Copernicus' heliocentric conception of the universe and the cessation of the dominance of Aristotle, which through the centuries had retarded rather than contributed to intellectual progressive growth, since it confused scientific concepts with religious, political and ethical values and ignored the experimental determination of the realities of the laws of nature.

Chapter Seven

CONTRIBUTION OF REVOLUTIONARY RATIONALISM

THE MERGING YEARS of the eighteenth and nineteenth centuries were periods of revolution and war in Europe and America. The new continent saw conflicts among nations for colonies and between a pioneer people for individual liberty and independence from the mother nation. France, although in civil strife, led the nations of the world in the emergence of political, religious and economic freedom from feudal bondage and the absolutism of church and king; and then fell prostrate at the feet of Napoleon. During these revolutionary struggles, minds of science were investigating all natural laws and approaching problems of the earth as a planet in evolution and of all life, and particularly human life in association under governments and religion by them conceived and ordained.

Harrington, Hobbes and Locke dominating the political thought of the seventeenth century, gave to the political reformers of England their abstract principles of political organization and social reform, which so balanced the zeal of revolutionary struggle as to found a new nation on inhospitable shores grounded on a new theory of sovereignty. Their conception of the sovereign is not Filmer's individual king, the successor of a divine patriarch; but rather is the power of a citizen-ruled representative democracy to which all must submit.

It was the ideal Commonwealth of a dreamer of theories that gave stability to the base and form to the structure of American constitutional government. Harrington's *Oceana* suggests the principles of the delegation

of functions of government and the separation of the powers delegated with complementary checks and balances. Two fundamentals emphasized by Harrington should be repeated at this time when faith in mankind's ability to govern itself is challenged and we despair of our freedoms.

He adjures (a) that liberty is lost when men and not laws rule, that electors must establish their sovereign government of equilibrium based on laws and not men; and (b) that all who exercise the franchise in the choice of a government of laws should have an economic interest in the government to the purposive end of (c) an "equal commonwealth" attained not by equality of wealth distribution but by balance of economic forces within the political state to the equalization of both political and economic relations among men.

Hobbes and Locke accepting the fundamentals of Harrington, jointly contribute a new conception of sovereignty and of a static political and social state. There is, however, a fundamental difference between Hobbes and Locke. Both the state and government to Hobbes evolved for the doing of the sovereign will and are independent mechanisms caused by fixed laws similar to those of motion in the physical world; but for Locke the psychological element in the individual precedes a similar principle in the great society and is antecedent to the state, which is organized by individual contract and community compact. Thus, both the state and the government, by the consent of the governed, become the custodians of the sovereignty of the people ordained by a majority as trustees for the individual's three fundamental rights of life, liberty and property.

This denial of a dynamic element in the development of society seems opposed to the psychological concept of the evolution of the state; but it is the logical sequel to Hobbes' assumption that state and government are the institutional results of the mechanical and fixed forces of chance and nature without any psychic energies other than the emotions of fear and desire for life, which are common to all animals.

One wonders how both Locke and Montesquieu, in their efforts to evolve human institutions for the doing of justice under principles of law,

could limit the function of the state to its police power of maintaining order; and neither suggest nor conceive the individual mind or the state as a dynamic agency of social welfare or individual or group progress. For Locke was one of the first to search for and apply mental processes, and his fundamental doctrine is that experience develops the desires of individuals and molds institutions for their governance.

Montesquieu's contribution to the philosophy of law, moreover, is his assumption that the form of government reflects the psychology of the nation; and so makes man's organic necessities the foundation of societal institutions, and with Harrington, emphasizes economic conditions in human development. He contends that environment is the dominant force in determining the nature of law; and postulating "the world is not ruled by fortune," he assumes it is controlled by moral and physical causes, and thus is directed but not solely ruled by a creative human mind.

Chapter Eight

CONTRIBUTION OF REVOLUTIONS OF VIOLENCE

MINDS of intense creative activity followed the religious wars and preceded the American and French revolutions with disclosures of political wrongs, portrayals of secular and church abuses and avowals of justice denied by privilege and status, which aroused the people against the authority of both the state and the church.

There is, however, a fundamental difference between the two revolutions—the French revolution was political only in its aspects and purposes, but the American was both political and economic in its causes and effects. The former was the natural revolt against the accumulated wrongs and injustices of secular and religious rulers. The aroused intellectuals of France gave their thought more to the solution of the problems of government than to economic conditions and social relations, contending that men must first be free to choose their institutions and administrators for the doing of justice before they can supplement their equality under law with the formulation of equities in economic relations.

The war of separation of the American colonies, however, followed their prolonged protest against unfair economic preferences given, unjust taxes exacted and political representation denied by the mother-nation. The English pioneers in America wished only to be regarded as sharers with their brothers at home in a joint heritage of a common law for their equal governance. They wanted to be permitted, with proper representation in that government, fair economic conditions and impartial justice, to work their destiny as free men in a new country; and this is their contribution to

the diffusion of Anglo-Saxon culture and the extension of British trade throughout the world.

This individualism was not only the radicalism of political agitation, the physical exuberance of pioneers in subduing a new country and their exultation in overcoming a stubborn monarch; but psychologically and essentially, was the reaction of the victims of religious persecution, of government interference in industry and commerce in the control of production, wages and prices, of the grant of monopolies to the favored few, of the abuse of privilege and authority in oppressive exactions, of the tyranny of status over labor and of the arrogance of station over the lowly.

Denied this privilege, the sufferers of discrimination and victims of oppression recalling the rebellion of their forefathers against the tyranny of the Stuart kings, first became receptive to and then imbued with French revolutionary thought, declared their right to be an independent nation and finally established a government ruled by themselves under a constitution by them ordained.

Chapter Nine

STRUGGLE OF INDIVIDUALS FOR CONSTITUTIONALISM

INDIVIDUALISM utilized the inherent right of revolution and the instrumentality of a written constitution to place limitations on absolute power by whom or however exercised. The human rights ordained by the Constitution of the United States in their religious, political and economic aspects, were first proclaimed, in a solemn Declaration, to be endowed by the Creator as inalienable and enforceable by a government through just powers derived from the consent of the governed.

The outstanding characteristic of our Constitution is its assumption of confidence in the individual so to use its checks and balances that the functions of government will conserve his rights of freedom, religion and property by reading the body and letter of the Constitution in the thought and spirit of the Declaration of Independence. Thus, the aspiration for justice as defined by positive law and the law of nature, as impressed by human morals and as found by reason, proscribe arbitrary authority and prescribe the rules of human law to the equal justice of all, which is man's foundation right and the ultimate purpose of all law.

The wide gap that separated the individual from his government, the great discrepancy between his political wants and his means for satisfying them and his passion to make real his aspirations, caused him to think of his rights as man; and thus was ushered in the age of reason. The idea of natural rights was as explosive in the spheres of politics and economy as atomic energy now is in the physical world. It overturned states and beheaded kings, revolutionized social structures and destroyed their group control, and founded a new nation on a new continent.

Reason and conciliation applied to revolutionary individual freedom evolved the Great Charter, the Bill of Rights, the Act of Settlement, the Petition of Right and the Habeas Corpus Act. These great compacts of human rights wrung from unwilling kings and granted by reluctant Parliaments, are the sources of English and American constitutional law and are man's priceless heritages. They are the foundations on which the structure of a representative democracy in politics and economy is builded under a fundamental law which promulgates the liberties of man and ordains the form of government which protects and perpetuates his rights and places limitation on his power.

Individual property, freedom of speech, of religious worship, equality before the law, due process of law, trial by jury and the guarantees against attainder, ex post facto law, impairment of contract, unusual search, arbitrary arrests, infamous punishment, self-incrimination and the right to be confronted in open court by the accuser, were rights which our forebears made the basis of their Declaration of Independence against the arbitrary acts of a stubborn king and ordained under the constitution formulated by them.

These so declared generalities of freedom are but assumptions of asserted rights of man and the grievances avowed are only propaganda that justified a revolution, if the truths they proclaim are not self-evident and eternally the universal determinants of free government promulgated by the governed. Man's innate aspirations for freedom and justice and the seeking by all peoples worldwide of our form of constitutional government confirms the wisdom of our essential test of a free representative republic—political or economic change at any time under law for human welfare to be everywhere the criterion of free government.

The doctrine of natural liberty means the individual has rights because he is a human being and has obligations because he is free to use his will in his choosings. The freedom of one cannot interfere with the rights of another; and so, the principle of utility must determine where my freedom ends and your rights begin. It is consequently limited by the principle of

general welfare, the test of which is the greatest individual happiness which is to the good of the greatest number. It should not be assumed that a man has the natural right to food or shelter, or for anything from his government except in the stress of emergency. His rights under his government are limited alone to equality before and under the law.

This means that government shall give to all men as human beings equality of opportunity to have rights, equal protection to each individual in his effort to supply his wants and equal consideration when the reciprocal rights of individuals or of the group are in conflict. It is the ignoring of the fundamental right of man to have rights and the assumption that man, without emergency and except in strain of life necessity, has a natural right to State aid, that make for group domination and class aggrandizement, with its consequent limitation of individual freedom, its invidious and insidious class distinctions and the ultimate overthrow of free governments, which by fundamental law restrain power from destroying the inherent rights of minorities or of even one individual.

Moreover, the right of revolution as the test of free government is also limited by the fundamental law under which it is guaranteed. Governments of free nations recognize no change of the government of another nation which is not approved by public morality and does not contribute to national or world order. The United States, following the doctrine enunciated by Jefferson, uniformly has acknowledged "any government to be rightful which is formed by the will of the nation substantially declared." But this does not mean a will coerced by aggressions of violence or subdued by force of arms; and so, our government has yet to recognize a revolutionary government that has come into power in violation of constitutional limitations, without moral right or to the peril of international order—as Marxist China, the Mao satellite state of Soviet Russia.

Chapter Ten

GLOBAL WAR AND STRUGGLE FOR WORLD POWER

THE FIRST WORLD WAR was fought ostensibly to make the world safe for democracy, with emphasis of its political aspect and less attention given to either a democratic or just economy. Our last global war, however, was preceded and followed by the most extensive and intensive manifestation of mind energy in the making and use of things for the needs, comforts and happiness of man than ever had attended his efforts. Man's inventive genius in the years preceding and during the war just ended and after the peace had eased the grip of its passions, has found and harnessed electrical power for use in new ways and over great areas; has tapped the vitals of the earth for new uses of gases, oil, metals and stone; has developed a new science in the borderland between organic and inorganic matter; and has found in atomic fission an explanation of universal energy and the means of developing its beneficial uses as well as directing its devastating forces.

In truth, man has transformed a world of unfilled wants into a world of plenty and has diffused the goods of human satisfactions and of cultural growth far beyond the dreams of the most sanguine. Nevertheless, a quarter of a century after the first world war and in the midst of this instant expansion of the human mind and the accumulated achievements of its purposive aspirations, we are just now beginning to awaken to the realization that, notwithstanding the lost and maimed lives and the ruin and horror of war, there must be a relation between war and material expansion and the human mind's ceaseless curiosity and insatiate desire for the acquisition, control and use of things, trade and land.

This restless curiosity, with attendant strivings which soon become needs, if not restrained by reason or composed by conciliation, or directed by justice, leads inevitably to increase the greeds of individuals, the aggrandizements of groups and demands of nations. And ultimately, must come such intensification of individual and group interests, of all struggles and aggressions of men and nations that violence, as the last arbiter of power, will end the barterings of greed and fear and again become the master of man's destiny.

It is the necessary acceptance of the fact of struggle for power in political association and in economic effort that sustains our confidence in the assumption that representative democracy is the best mechanism man yet has invented for the reconciliation of group welfare with individual satisfactions to the consummation of freedom and the achievement of justice under both the governments of nations and of a world organization of nations.

This confidence has induced the deepening conviction among increasing numbers of earnest and forward-looking minds (a) that the present strife among workers for the control of their unions and between them and their employers for higher wages, better working conditions and a just economic interest in the joint venture; (b) that the intense struggle for survival between private property and its form of capitalism and collectivism with its sequel of Marxism; and (c) that the strivings for supremacy between class totalitarianism and representative democracy—all are the inevitable consequences of man's atavistic lust for power activated by the worthy purpose of self-realization that naturally motivates his seeking of better ways of life or gropings for higher levels of justice.

These struggles among individuals, groups and nations for power over interests and things in politics and economy and of nations for dominion over peoples and lands, neither the organization of nations nor any form of political association can prevent as against an outlaw indifferent to the hazard of annihilation. The world organization of nations and the separate nations can now defend free nations and should seek to equate the inequali-

ties sanctioned by positive law; and both must strive to remedy all unjust tendencies of authority or privileges among men and nations.

The United Nations in order to endure as the instrumentality of universal order and justice under implied or explicit grant of power from free nations must crush the aggressions of any outlaw nation that dares rebel against the sovereign decrees of world freedom and universal justice. To this end, the organization has entered its decree summoning the war power of all of its members to stop the aggressions against the Republic of South Korea; and so, for the first time in world history, the armaments of all free nations are now gathered in war against an outlaw Marxist nation under the flag of the United Nations in defense and for the preservation of universal justice.

PART THREE

CONTRIBUTIONS OF JUSTICE
AND ECONOMIC SCIENCE
TO CIVILIZATION

Chapter One

SELF-INTEREST AND CAPITALISM, WEALTH AND PROFIT AS DETERMINANTS OF PROPERTY

THE UTILIZATION of private property in the making of new and more of better things is capitalism; and the motive that stimulates the individual mind to desire to produce and to increase consumption is personal satisfaction. This self-regarding interest may be either the instant advantage of some material value or the temporary pride of achievement or the enduring esteem that follows a real service; but whatever its nature, it is a *profit* of individual initiative and enterprise that in seeking human satisfactions has increased the world's wealth.

Wealth then consists of something more than the aggregate of all material goods, which Marx in acceptance of Smith's concept made a foundation of his theory. Muller, decades before Marx, assumed the wealth of a nation includes all mind energies of purposive utilization, achievement and culture; and general assent is now given to Muller's comprehensive postulate—"the national existence in its widest scope is the true wealth of a nation."

This distinction between material and mind capital and wealth is not nebulous; nor is the differentiation between use and exchange value academic. Their pragmatic utility is confirmed by the instant confiscatory use of taxation as a method of wealth distribution and by decisions of the Supreme Court of the United States.

A nation or an individual may have an abundance of material things under dominant economic competitions and conflicts; and yet, both may be in dire want of the things that make for the development of individual character in helpful inter-dependent association. For it is the satisfaction of this need which really gives to its every constituent, who renders service to the state, the equivalent of the profit of his muscle and mind contribution to its wealth.

In our land of plenty and material surpluses, this paradox of dependence in plenty, of idleness in surplus and of despair amidst the urge of desire to do and the will to achieve is new in the experience of man. The ills of the human race in the past always have been the harvests of pestilence and war, the fear of famine and the certainty of insufficient food unjustly distributed. Mere subsistence no longer should be the iron law of wages, nor ought they be fixed alone by management.

It is a fair criticism of the present relations between the employer and the worker that they involve only their respective contributions of service in the joint making of consumable goods and wages paid to the worker; but ignore the respective interests in the joint venture of the consuming public and of all three parties to production—labor, management and ownership.

Since under the present industrial system profit is regarded as wholly the return to capital investment and reward to managerial service, the costs of production and the compensation of all other workers are determined by management. This conflict between capital and labor can never end so long as each mistrusts the other and the only bond between them is this rigid factor of a money wage, controlled by management; which in over-reaching self-interest exacts the most of work energy for the least wages, the worker forces the highest pay for the least work and both ignore public interests and the contribution of flexible profit sharing to the social security of the worker and the welfare of all.

Chapter Two

JUSTICE OF PROFIT SHARING AS OPPOSED TO CHAOS OF MARXISM

HUMAN INTERESTS in large concept are the determinants of justice and self-interest distinctively is an essential element of positive law; but individual freedom is life's basic principle of justice if it gives consideration to all human interests, and becomes a right only when it submits to control. Your liberty ends as mine to be let alone begins; and the freedoms of all so should be limited as not to be tempted to aggression. Regulated freedom, however, may be driven to use force in defense of the foundation rights of life, property, expression and a fit environment.

Justice and self-interest, moreover, are inter-dependent. Thus self-interest is neither just nor enlightened unless it embraces and regards all interests other than of self, diffuses to all the best that is within everyone and so reconciles all differences as to give an accord and satisfaction to the essential essence of every interest within the orbit of conflict.

However, in acceptance and adaptation of Vattel, this foundation right of self-interest implies an obligation to give; and imposes the duties of mutual aid and trust. And so, the reciprocity of give and receive requires all selfish conflicts as self-interest in satiety of receiving overflows in the pleasure of giving; and human compensations as positive law reward the just, but punish anti-social conduct.

The reasons which make the human equation so vital in competitive capitalism are that profit is an essential part of capitalism and both express basic processes of the human mind in control of human conduct. These

aspects of behavior should be considered from the less frequently emphasized viewpoint of the transformation of animal propensities into intelligent self-interest, which is the fundamental factor of choice, capitalism and profit. The injustices, exploitations and wrongs of political and economic life are the sequents of the failure of society to realize that man is an animal influenced by selfish wants which, the individual failing, the government must control and transform into disciplined desires. Animal survivals are the biological causes and societal beginnings of all competitions, conflicts and misunderstandings among individuals and nations.

The foundation facts that rule society, as units and as a whole, then are man's primordial animal nature, his physical struggle to survive, the supremacy of mind, the freedom of intelligent choice in his seeking satisfactions of wants, the realization of his purposes and the final dominance of mutual trust and enlightened self-interest as the universal determinants of justice and culture in all conflicts of human interests and relations.

There is within the mind of man something that drives both the individual and the great society finally to prudential choosings of those sound values that endure, since they partake of goodness and tend towards justice. This does not mean animal propensities are in continuous process of elimination, without sometime mind retrogressions; but rather, that in all animal nature there is the potential of remedial good, in all competition the need of cooperation, in all injustices the zeal for justice and in all controversies and disputes the search for understanding.

This confident faith in the aspirations of the human mind and in the achievements of the race are not Utopian dreams; but the past in truth gives assurance of their continuous realization, so long as free men are moved to action by intelligent choice and a mutual aid and trust restrain an overreaching self-interest. Such just self-interest is the only basis of profit, the genesis of which is mind; and material surplus is the beginning of property, which is a foundation of civilization alone because all men in common have the purpose severally to conserve the things for which every of them has struggled and sacrificed. The consciousness of ownership and pride of a

stake in productive capital are substantial guaranties against destructive violence and the sure incentives to the just distribution of its profits.

The achievements and predictions of all the sciences as they affect life and its relations are coordinated in the judgments of justice. Material progress follows the development of the resources of nature; and security in the order of society, amelioration of physical conditions and diffusion of cultural influences must attend the administration of positive law, if justice is to be realized in human affairs.

Science is amoral; but law and its justice are of dual scientific and moral aspects, and of neither alone. Both scientists and jurists in application of economy and sociology attempt to predict the future relations of things by adapting the resources of nature and shaping human interests to their particular uses, and so creating societal institutions for special purposes.

Such has been the precision of the scientist and revolutionary the results of his persistent experimentation, and so utilitarian and illuminative the applications of his new basic assumptions and currently detected phenomena of all the sciences, that the distinctive characteristic of their development is the accuracy and certainty of their predictions. And this in utter contrast to the crude and often futile efforts of law, and its instrumentalities of government and politics, to detect the present and to predict future social or political or economic trends or to compel individuals or groups to accept new patterns of life, organizations and relations.

Nor should it be assumed that, under the dogma of cosmic emergent evolution, predictions or experiments in the processes of law and justice ever can attain the precision of physics and chemistry; and this because material things can be detected and measured as constants, but the dynamic mind, as creative of life development and of political and societal change, is in continuous flux.

The scientific aspect of law stresses the order and security of society; but its moral phase seeks the satisfaction of the maximum human interests, with the least frictions and frustrations to the individual, and the greatest social utilitarianism, by keeping in equilibrium the conflicts of individuals

and groups. Such conflicts, however, can be neither held in balance nor resolved without reference to the welfare of society as a whole and to a toleration of the claims of individuals and groups in inter-action.

These interests are nonetheless directive and dominant as moral forces of justice even though they may inter-act at different levels of individual or group conflicts. Nor is it necessary, in order to sustain the concept of the moral aspect of law, either to postulate an ideal group for its definition of justice or to assume the individual is endowed with natural rights which positive law dares not ignore without denial of justice. For there is in every mind some magnet-like attraction for the good that rejects the evil and seeks for justice in all relations.

Thus is conceived a moral universe as constant and fixed in human conscience and action as are the forces of inter-action, integration and fission in the physical; of which the aspirations for justice in the mind of the individual and for order in society are the supreme manifestations. And so is justified the confidence that government is necessary for security and welfare of both the group and the individual.

Ideas are the expression of man's nature and they in turn determine his future. Man then makes his own tools with which to mold his own destination both as an individual and as a member of a group. His mind is the spirit of curiosity and of knowledge, of interests, of determination and of civilization.

Now if it were not for these impulses which have ever driven him to satisfy his interests, to improve the efficiency of his body and mind, to know more of his nature, to master better his body and to control more fully the destiny of his soul, there would be neither religion, science, economy nor politics; the four great spheres of man's mental effort and physical work, which constitute the dominant institutions of man and his civilization.

Chapter Three

BASIC FAIR WAGE AND FLEXIBLE PROFIT SHARING AS COMPLEMENTS OF JUST COMPENSATION

ALL PARTIES to production must treat one another with mutual trust; or, this faith in the other failing, the consuming public, in protection of its own interests, will force the antagonists to the full realization: That a basic, periodic and fair money wage must be supplemented by a mutual confidence and faith in an equitable distribution of the profits as the measure of just compensation to the worker. Thus only the balance of Harrington's equilibrium will be established in the economy of production; and permanently can be maintained by a fair basic cash wage with its flexible complement of profits shared as the essential of just compensation.

The reasons which demand this flexibility of just compensation to all workers may be summarized in a few sentences of contrasted assumptions. It is not true the cost of living alone regulates wages, but the fact is the cost of living as a factor increases disproportionately to the higher money wages paid; and there is always a great disparity of income between the favored and victim producing groups. The present incomes of the farmers and the wages of organized union workers are the highest in the history of labor, but the compensations paid to the white collar workers and the fixed incomes of the prudential savers of the nation's wealth have now relatively the smallest, and a constantly decreasing, purchasing power.

Nor is it true either exclusively high or low wages alone cause unemployment. The factor that is present at the beginning and during the whole

period of recessive production and increasing idleness is the break of balance between the costs of production, as reflected in commodity prices, and the purchasing power of the consuming public, as expressed in the respective compensations distributed to the owners and the workers.

Unemployment becomes inevitable when the public cannot absorb the excessive production costs—cannot buy at prohibitive gray or black market prices. But too low wages and fatiguing hours also destroy purchasing power; and the sequel of both these aspects of a sole rigid money wage is that the employer, confronted with losses and fearing inevitable insolvency, cuts production by decreasing work hours and discharging workers.

Thus begins the circle of an erroneous economic wage, which in its increase of unemployment and decrease of purchasing power, makes more obvious the vital mutual interest of both labor and capital in profits; and demonstrates the necessity of supplementing a fair basic money wage with a flexible equitable distribution of the profits—to the owner as dividends and to the worker, alike of managerial or mechanical mind and of muscle, additional bonus or deferred annuity or pension compensation grounded on the values contributed by each to the joint venture.

There are some fallacies that affect, and so long as they persist, will make impossible the realization of a flexible wage and the just distribution of profits, as the consummation of a statesmanship in governance and in economy that seeks to maintain the equilibrium of costs, prices and wages.

(1) No greater disservice can be done a just economy of individual enterprise than for organized labor, in its demand for rigidity of a money wage scale that moves only to higher levels, to invoke the complement of profit sharing solely for this purpose; and either to demand its continuance or to ignore it in reducing a flexible money wage when industry declines and profits vanish.

(2) The employer who refuses to grant to the workers a voluntary profit sharing plan as the essential of a flexible wage requires his government's justice to him with injustice to the worker; since the just distribution of profits is now induced by Federal incentive taxation, which permits such

specific disbursements as deductible production costs in the computation of taxable net income.

(3) Labor unions are indifferent alike to serving the purposes of their existence and the interests of both workers and employers, if with strikes of violence, they exact a basic wage justified solely in the fallacious formula that cash wages must proportionately increase with profits and be instantly distributed as such.

(4) The relationship between wages and a prosperous industry as reflected in profits is obvious. But there is a vast difference between making a temporary and fluctuating net profit the warrant for its instant cash payment to the workers and the present distribution to the worker of a part only of his share of such profits and another portion distributable to him as deferred compensation in the form of a bonus, annuity or pension—with their just deduction as production costs in the assessment of the employer's tax liability.

It is clear to pragmatic minds we are here giving thought to the solution of the most delicate of momentous problems that confront our civilization, menace the free workers of Western economy and presently confound the demands of its humanity. In larger aspect, it comprehends the mutuality of aid and of trust as nations define the nature and effect of profit sharing under incentive taxation and prescribe the duties of organized labor and obligations of individual enterprise in relation to it, as the essential complement of labor's compensation under our economic policy and as a facet of universal justice.

Fear has been man's most constant enemy; but also, is his greatest incentive to achievement, when supplemented by intelligent self-interest. The primary concern of the state should be that these fears be neither eliminated entirely from human struggle nor weigh too heavily upon the minds of men. And this because inherent justice thus thwarts imminent peril to social order.

The individual is the paramount economic unit and the source of all wealth is his mind; which in America exemplifies the experience and tradition

of individual initiative, enterprise and striving, of personal human rights and duties and not of class conflicts or group struggles. So inextricably are bound together capitalism, profits and the American worker's concept of individualism, that the first two of these co-efficients of economy will not long survive the submergence in class struggles of the worker's ideal of his personal worth and independence.

Security is neither a freedom nor a right. Whether implored in need or asserted as a right, the recipient of security seeks the favor or protection of the dominant power of the state; and so puts in pledge, if he does not forfeit, his freedom. Dependence on the state by the individual for his economic security is a fallacy that contributed most to the downfall of every ancient nation that became its victim and, within the last decades, promoted the dominance of Nazism and now sustains the statism of Russia. But free men in a representative democracy, in exercise of their right to rule, so should limit individual action as to give both security and freedom to every citizen.

Chapter Four

SOME ASPECTS OF PROFIT SHARING AND FACTORS OF A JUST PLAN

WHEN PROFITS are distributed to the worker, not only is the just dollar received by him who is entitled to it, but its deeper significance is that the profits of industry are shared by the parties who jointly render to society the real service of production. So, when profits equitably are shared, representative democracy becomes more secure as its base broadens to include both economy and government, capitalism is made less acquisitive and the relations between employer and worker are more cooperative to the advantage of both and the general welfare.

All profit sharing rests on the fundamentals that profit and necessity are the primal incentives of human conduct; that self-help induces self-reliance and confidence leads to increased strivings and larger achievement; that the less one does for himself the more he relies on the state and the more the state does for him the less efficient he becomes; and that given a just wage and a fair profit the great fear of loss of job and of old age will be eliminated, if to incite the worker's thrift or prudence, the just plan includes the additional purposes of insurance against unemployment and old age.

Profit sharing is the highest level of employer and worker relation and requires a similar degree of intelligence in the formulation of a just plan. Since profit sharing is not philanthropy nor intended to be paternalistic in operation—but being founded on justice and the natural incentives of interest and loyalty presuppose the forbearance of present gain to larger advantage—the plan should afford opportunity to the worker to adjust his

compensation in periods of strain so that by mutual sacrifice the joint effort may be stimulated and profits restored.

Every plan of profit sharing should be conceived, formulated and practiced in the larger pattern of an evolutionary change wherein a purely individualistic acquisitive system of competition is in process of transformation into a more cooperative venture of coordinated service for individual and societal, but predominantly just, purpose. And there will be no peace in industry nor can there be justice in life until ownership and management, seizing the greatest opportunity in the history of man, voluntarily shares the profits of economy equitably among all whose work contributed to the success of the joint venture.

The determination of the worker's share in the profits varies with its method of computation. A type of percentage distribution may pay to the worker a dividend on his wages, as and when dividends are paid to the stockholder; or the payment may consist of a fund composed of a percentage of the worker's wages, and a contribution of the net profits by the company; or it may be based on the net profits after deduction of all manufacturing costs, including distributions to workers as wages paid and compensation for the use of capital.

The uses of the fund so gathered from the earnings and contributions also differ to serve distinctive purposes of the several plans. The funds should be turned over to a corporate trustee under a declaration to pay to the worker an annuity or pension and at his death, to his personal representatives, insurance or other benefits as provided in the trust agreement.

No uniform plan of profit sharing can be made applicable to all industry under all conditions of economy. This does not, however, mean the factors of the problem cannot be so simplified as to be made the basis of a formula which will do substantial justice to all during the period the situations are similar in the same or related industries.

(1) Capital and labor jointly produce things primarily for consumption and secondly for the making of profits. The contribution of (a) capital

to the joint venture is the entire net assets of the association, determined by the average assets used in production during any current year of earnings, including the accumulated surplus and undivided profits which usually are in the form of productive capital. (b) The total cash wages paid and profits disbursed as wages, measure labor's capital contribution to the enterprise for the same period.

(2) Both capital and labor should receive compensation for their respective contributions, which must be regarded as costs of production. The (a) initial return to labor is the total annual wages paid, together with the amounts necessary to pay unemployment and accident indemnity premiums for the worker's protection, which are deductible as manufacturing costs in the determination of net earnings. (b) The payment to the owners of a fair interest charge on the average yearly capital assets should also be deducted from the company's gross earnings as compensation for the use of capital.

(3) The net earnings after such deductions should then be divided into three parts for distribution: (a) To the owners as a real dividend; (b) to the workers as deferred or flexible compensation; and (c) to surplus or undivided profits as a reserve. The amount to be carried to surplus and reserve will depend on the degree of development of the venture and the needs of development or for extension purposes. These surpluses and reserve funds give continuity to the venture as success attends its development, as also when economic depression imperils it.

(4) The then balance of the net profits should be distributed between the employer-owners and the workers in the ratio that the average yearly capital assets used in production bear to the total rigid or fixed wages paid plus the deferred or flexible wage distributed as profits shared during such period.

(5) The distribution of profits to the individual owners is based on their respective ownership of the capital stock; and that to the individual workers on the length of their service.

(6) Since the total of such preliminary distribution will be less than the total net profits segregated for distribution among the workers, the balance then remaining should be distributed share and share alike to all workers in disregard of the wages paid to each.

The above general plan of profit sharing was suggested in 1941 with illustrative examples given in the notes of my volumes on "Conciliation," as amplified in "Justice." Modified in many ways during the succeeding years, its essential factors remain; and the Federal government has accepted its basic elements as within the regulations promulgated pursuant to the Incentive Taxation Amendment of 1943. While its fundamental justice should be followed, changes may be made for the purpose of giving a more intimate picture of the nature of the contribution to continuity and increase of production, to the maintenance of purchasing power and a more immediate realization of the security to the worker of the deferred distribution of his share as protection in unemployment or pension in old age.

An aspect of profit sharing of increasing economic significance that is too often minimized is its contribution to the good will of the joint venture and to the maintenance of purchasing power. There can be no relief in depressions without increasing the demand for goods by restoration of purchasing power. This remedy can be accomplished (a) by government dole in emergency; (b) artificial work stimulation on public improvements; (c) elimination of confiscatory taxation of the maker or producer-owner and of the worker as sharer of profits; and (d) *by sharing or fundamental change in the distribution of profits.*

The dole enervates and, while necessary in the extremity of emergency, slowly should be transformed into an annuity or pension and restricted only to those who, in old age or unemployment, are entitled to receive it as just deferred compensation for past social service. No need of the individual for work nor glory of the nation can justify any public work which competes with or tends to impair individual effort or enterprise.

The economically sound and preeminently just solutions of maintaining or restoring purchasing power are: To impose the increased tax on the

source or maker of profits; and so permit its burden to be shared with the consuming public, give to the workers as incentive a share in the profits in addition to their fixed wage and as an inducement to the employer, permit all funds so distributed to the workers to be deducted from gross income as production costs in reduction of the taxes assessed on net profits.

Granted the idea of the sharing of profits of industry is economically just and that the theory offers intelligent compromise and solution of problems that now perplex, the immediate inquiry is the means or method by which a just plan of profit distribution may be made of more general use. Two methods are always available for the consummation of changes in economy—the voluntary modification by the parties in immediate interest or coercion by the state through governmental action. The adaptation of any method is seldom initiated alone by conscious choice of a group; but new practices of trade and the methods of economy usually spring from an original individual mind, and tend to become general by imitation.

The only aid law and government can give to economic changes is negative, by penalizing the failure to provide the usual tools and methods or to encourage, by incentive legislative expedients, the promotion of safety and health in conditions of labor, the socialization of life relations and the equalization of compensation for service. The instant solution must be found in the willingness of the employer to share the profits with his workers. This, however, does not mean that nothing to the purpose can be done until those who control production come to the full realization of not only the justice of such division but the intelligent self-interest of the practice. Both the state and the employer can contribute their aid in a common effort to prevail on all employers voluntarily to adopt a plan of profit sharing—(a) The state by incentive legislation and (b) the employer by organization and propaganda.

Some employers or workers, however, may seek to weaken—for the day is now past when any can prevent—the application of this now accepted as foundation principle of justice. But whatever the details of a particular scheme, all plans in intelligent self-interest must embody the essentials of

a just purpose, under the Federal statute of fair taxation as an incentive of profit sharing, in the formulation of any equitable basic and flexible wage scale under collective bargaining, supervised or decreed by governmental constituted tribunals, as will make all men proud to work, willing to share and anxious to serve.

Chapter Five

POTENTIALITIES OF JUST PLAN UNDER INCENTIVE TAXATION

SEVERAL of the preceding paragraphs of the last chapters adopt the ideas of my previous volumes. When those pages were written, American polity was in incipient but deepening conflicts with the forces of an alien culture. The traditional concepts of Western individualism were weakened by an alarming tendency towards centralization of political power and a collectivist economy. The dogma of Marxism, of state ownership and control of production and of community of profit had so revolutionized the functions of taxation in our representative democracy as to remove all constitutional restraints on the power of a temporary majority immediately to weaken the institution of private property, to regiment all industries and to submerge under statism all individuals, particularly the great middle class of thinkers and doers. And neither the collectivist nor the capitalist was fair or frank in his disavowal of a purpose to dominate a strong autocratic government.

The former because the real purpose of his government first submerges and then crushes the individual in a police state; which was realized in the Russian revolution and now exists as the Soviet Union. The conservative purpose of government by those in control of capitalistic production is to preserve private property and freedom of contract and enterprise. But in fear of the domination of Marxism, they had accepted the totalitarian states of Dolfuss, Mussolini and Hitler; and it required two global wars for the free governments to extirpate the menaces of statism in politics and economy.

In the five years before and following 1940, the theories of Marx had

so infiltrated, and alien activities had so subjected, Italian, English, French, Belgian and American labor to radical leadership, and government had so dominated production and distribution and had so changed the purpose of taxation from support of government to redistribution of wealth by confiscatory levies—that the leaders of both capital and labor who believed in individual freedom and enterprise despaired of relief.

Few in America at that time detected the vital relation between the distribution of profits and confiscatory taxation, or discerned the remedy for both evils and the amelioration of other ills of economy, to be in the intelligent self-interest of the employer and his and a government's purpose to do justice.

Understanding, purpose and conciliation are the foundations of social and political life, and are the means by which man has achieved individual self-mastery, group self-government and justice under law. It is an outstanding illustration of the workings of free thought under a free government—that within two years after the suggestion of a plan, without recommendation of the President or discussion in the Federal Congress and alone by force of its inherent justice, a short amendment to the Federal Revenue Act of 1943 provided a statutory incentive to employers to be just to their workers, in consideration of which, the government would be just to them.

This Amendment to the Revenue Act of 1943 enacts in effect that profits shared with all workers and premiums paid and disbursements made by the employer to indemnify his workers against unemployment and to provide annuities, bonus and pensions under approved profit sharing plans may be deducted as production costs in the computation of taxable corporate income.

This statute is more than an equitable basis for the distribution of profits and more than a workable stop to confiscatory taxation; for it grants to the employer the privilege of giving to his workers a part of that which the government heretofore took as taxes and expended for other than governmental functions.

It is one of the most salutary pieces of legislation ever enacted by the Congress; and this because it functions to the end of fair taxation and the achievement of justice in economy among all workers, as well as among the employer, stockholder and the worker. It is grounded on the human trait of intelligent self-interest and has a potentiality in American and ultimately world polity as significant as the discovery of electricity in universal culture and the American revolution in human government.

It is, in fine, the only foundation on which can be constructed the bridge of political and social justice to span the widening and deepening chasm, that now is encircling the globe, between a communistic despotism and a too indifferent capitalism.

During the whole period of the revolutionary changes in the economic system and political structure of the last decade, the opponents have spoken, heretofore, only the language of chance survival of the fittest and have regarded human conduct as only tooth and claw competition, in utter forgetfulness that cooperation is the complement of competition.

The brilliant and practical mind of Gallatin in 1794 was the first in America, if not in the world, to make practical application of profit sharing in industry. He gave expression to the full significance of democracy as Harrington had conceived it and repeated, in justification of his profit sharing plan, Harrington's fundamental proposition that: "The democratic principle on which this nation was founded should not be restricted to the political processes but should be applied to industry."

Sleep did not slide into a fagged soul more gently than this panacea of justice entered the blood stream of American economy. No headlines blazoned its enactment. Neither editor nor commentator extolled its purposes; nor did either private enterprise or organized labor herald it as the solvent of their conflicts; an economist is yet to expound its contribution to industry and trade; and no statesman has foretold its destined significance in the economy of mankind.

The obscurity of its birth and potentiality of its justice and humanism might suggest to the religious the Teacher's profound concept of a creative

mind that strives for goodness and seeks justice. For here, as usually attends the dissemination of an idea of worth to world thought, practical minds of realism conceived the political wisdom and economic need of this amendment. And those of vision and determination, having applied it in intelligent self-interest to life affairs, are now devoted to the enlargement of its humanitarianism among all peoples and to its acceptance by governments as one effective way to bar the violences of Marxism and to assure the continuance of the rule of reason in human justice.

Chapter Six

MAN'S VITAL OPPORTUNITY

THE CONFLICT between the foundation ideologies of the human mind and the resultant struggle for the final rule of one or the modification of both to the dominance of conciliation for the general welfare is now at the bar of civilization's court of justice. These divergent human traits have summoned to final hearing in world destiny the Marxism of a police state of authority and the individual strivings of free men in a government of their own choosing. Western representative democracy in government and economy must rest its case on the immanent freedoms of the human mind and its aspiration for justice in all relations and activities of men.

The facts of individual effort and of human achievement are man's only proofs conclusive of the superiority of our philosophy of life and conduct. So the obligation, as of sacred trust, now rests on our leaders of democratic thought and action to apprise mankind of the significance of the contribution that profit sharing, as the last manifestation of purposive justice, is now making to solve the misunderstandings, injustices and wrongs which still harass and frustrate—alone because man is yet an animal.

Our counter-attack against Marxism is not alone religious, political, economic or military. Conciliation failing, the force of arms finally prevails. But the conquests of war avail little or for long, unless our ways of life are acceptable to the people of the East now seeking higher levels of life as the realities of freedom and the verities of justice. Greater opportunity was never offered than is now given to the leaders of Western freedom in government and economy. They have adopted the form and chosen the representatives of free government and have ordained that none shall be denied rights enjoyed by any individual. The United States of America has now enacted that just taxation shall requite the equitable distribution

of profits. The Charter of the United Nations for the first time in human affairs provides and establishes a commission for the formulation and enforcement of human rights; and in defense of the freedoms of all peoples so promulgated, it has declared by formal decree war against an outlaw aggressor.

The appeal of Marxism to the workers of the world is alluring and insidious to the millions of workers of the East, because their wants are in great disproportion to their satisfactions and in alarming disparity to the aspirations of those who, in the lie of Marxism, have nothing to lose but their chains. It is not enough to promise to these victims of the East's ages of accumulated wrongs, whose vital want is for a piece of earth from which their labor may bring forth the bread of life, the Western freedoms to think and to worship.

In just and material self-interest, their physical wants must be supplied and their innate aspirations and now crusading purposes to achieve their ideas of justice, however crude or exalted, must be satisfied. To those who want to rule themselves, the contrasted abject subjection to Russian autocracy of the free enterprise of the workers of the West needs no proof. But the sure way to demonstrate the futile pretense of the Marxist claim of the workers' security under communism is to make clear the justice of sharing of profits as the outstanding characteristic of Western individual economy—a cash weekly wage supplemented by a flexible deferred compensation payable as bonus, annuity or pension at fixed periods on retirement or unemployment.

At this time of actual Korean and imminent global war, the capital and labor leaders of world production under individual enterprise should cause to be enacted, as just curbs on the cupidity of both labor and capital, incentives to capital's voluntary sharing of profits.

These governmental incentives should avoid all attempts to limit the size of profits of any industry, for experience has demonstrated both their injustice and futility. The supervision should aim to promote increased production under right conditions and relations, and primarily seek the just

distribution of the net profits through its instrumentalities of incentive taxation. It is urged that a sound method for taxing war profits, without differentiating between reasonable and excessive, and of assuring an incentive for their voluntary sharing can be formulated.

The Amendment to the Revenue Act of 1943 in broad purpose permitted all profits distributed under government approved profit sharing plans to be deducted as production costs with the momentous result that this incentive of justice has kept in individual economy for the benefit of the worker and the stability of employment the millions that otherwise would have been taken in confiscatory taxation; and has made certain the deferred flexible distribution of profits as annuities or pensions the ultimate essential factor of the compensation of all workers of the West to the maintenance of the good will of the joint venture and the purchasing power of the public.

The necessities of war increase the rates of all forms of taxation with reasonable profits as the source of additional levies only as the exigencies of war create emergencies. It is obvious governments should encourage the adoption of profit sharing plans in war time; and that the efficient and just incentive lies in a provision in the Federal Revenue Act imposing the levy as a war and not an excess profits tax and explicitly allowing deductions as production costs all disbursements to workers of deferred compensation in any form; but with preferential rates or methods of tax assessment if the bonus, annuity or pension is under a government approved plan of profits equitably distributed.

PART FOUR

CONTRIBUTIONS OF JUSTICE,
ETHICAL SCIENCE AND
RELIGION TO CIVILIZATION

Chapter One

JUSTICE AS DETERMINANT OF HUMAN DESTINY

THE DOGMAS OF CHANCE and of determinism eliminate purpose and choice as manifestations of mind and moral power. The dominance of fate, however, is now passing to the assumption of an inner urge or a purposive inter-action of energies in the development of all structures, organisms and relations. This solution of vital and inorganic continuity is more than the resolving of a compound into its elements; for in addition to analysis, it seeks the cementing cause of the new synthesis. It observes a force, thing or status, sees its fission into opposed forces, which then unite finally to emerge from the lower to a higher level of physical, mental and moral development.

This process of emergent evolution suggests, in analogy, that individualism and statism—the purpose to rule and willingness to be ruled—are the foundation antithetical principles of man's governance, of his political activities and of his social structures. Here also is disclosed the principle of reconciliation between liberty and authority, between the will of the constituent and the general purpose of the group. The individual feels a desire, his purpose is to enjoy the want imaged and he wills its satisfaction in conflict with the interests of other persons. Thus, arise individual self-assertions, balked group reflexes and race conflicts, with the result that authority, like the meson of the atom, must synthesize the common will expressive of the general welfare and in satisfaction of all individual wants and interests.

The great masses of mankind world-wide have begun, by their own creative, individual and separate group efforts in economic, political and

religious polity, to emerge into higher levels of life with new interests, purposes and wants. They have now the knowledge of their power; the realization of how to use it; and the determination to achieve their aspirations for justice under the higher law of a more sensitive social conscience. Revolutionary, if not catastrophic, crises as to the forms of government, patterns of belief and practices of economy now confront the groups and nations of the world, and alike challenge the manner of life of centuries and imperil the liberties of free people under constitutional law.

Government, economy, religion and ancient secular loyalties are now being modified and adapted to new concepts of universal order, security and justice. This is because of the present intensity of the age-worn struggles between hierarchies of religion for creeds and secular rule and among community groups for ways of life sanctified by time; between those who have the means of satisfying their wants and those who are deprived of such satisfactions; between individuals who strive for security through ownership or control of property, and nations which fight for land, dominance in trade and supremacy of arms; between conflicting theories for the production and distribution of material things for exchange or for profit; between contending groups for larger use and more equitable distribution of profits; and in fine, between the antithetical ideologies of personal freedom in all aspects of human culture and those of state domination by every oppression of police regimentation.

It is these conflicting antitheses that require reexamination and involve a new synthesis of the world ideologies of religion, economy and politics in the knowledge of the too often overlooked and frequently ignored foundation truism: That as new elemental forces emerge from its nucleus when electrons and protons invade the meson, so aggressions of the outlaw and attacks on the errors of religions and wrongs of governments increase the defensive reserves of conservatism and also release new purposive energies of liberalism creative of higher levels of life.

The issue which civilization must now determine is whether the final arbiter of its justice again will be the force of arms, as the ultimate of the

power politics of nations, or the force of reason and right under universal law, as the solvent of human loyalties and interests. It is the people as nations or groups in world organization that constitute the final tribunal of ultimate decision; but in last analysis, it is the individual that determines the destiny of his world and of himself—for of vital importance is “not only what men do, but * * * the manner of men * * * that do it.”

Man in the grasp of these stupendous considerations is appalled at the momentous significance of the function of the human mind. Its creative power and culture in conjunction with its religion alone can incline the will to reason and control moral conduct. It must instil the understanding of values, educe the choice of wisdom and so finally make certain the dignity of man and his determination to be of free thought and action. And so, only the mind of man can assure equitable decrees in every human relation and for longer periods of peace, to the end that tolerance and justice ultimately may dominate all world organizations of economy and of government ruled by the processes of representative democracy under theegis of humanitarianism.

Chapter Two

JUSTICE AS DENOUEMENT OF CIVILIZATION

HE WHO WOULD UNDERSTAND the present or seek to image the future should picture the swallow's flight through his lighted chamber from darkness into darkness and, pondering the confluence of the past with the future and the merging of all time in eternity, contemplate the faiths of religion as germinal of justice, and the emergence of the just mind from its animal past as the consummation of human aspirations and denouement of all thought and action.

Man in his early consciousness began to wonder about his earth, sky and kind and to ponder their nature and relation to him; and from the beginnings of that crude wondering and labored pondering came his religion, which seeks to know the first cause and his relation to a creative Power and to his fellow man. His idea of God changes with time and place; but all conceptions, however crudely anthropomorphic or of mystic sublimity, coalesce in the eternal energy of truth and goodness, and differ only in the emergent levels of their unfolding to the mind and of its capacity to realize their values as social forces.

Space defies mind to imagine the vastness of its universes, and time extrudes the threads of life into eternity; goodness is the universal aspiration of purpose and innate necessity of developing human personality; and man in his weakness marvels at his mutation from minutest cosmic speck to creative mind through a pervasive energy. It is because of these notions of fundamental truth that the idea of God—of nature or energy personified as the one source and power of order, harmony and justice—is the dominant influence and formulative force in the life, conduct and progress of man.

The reality of God is not affected by our understanding of the essence; but is revealed in the laws of energy, to which man through his reason must conform. And the kind of rationality his experiences apply to the revelations of nature, which he is permitted to discern, determines the character of his aspirations, the ethical nature of his conduct and the standards of his justice.

Order, freedom and justice under the laws of nature are the eternal verities of reality; and the rules of positive law and principles of equity as applied in the actual administration of justice are its pragmatic expressions, which are modified as men and conditions change. There are, however, some foundations of religion which are the essential conditions of universal justice, alike under the laws of nature and of man.

(1) No justice can be formulated which fails to apply the lessons of experience to the real needs of life; and that is not in accord with the certainty of wrongs remedied and evils redressed as well as a serene faith in the right vindicated.

(2) Since religion embraces the whole of man and his every act and thought, and because justice is inclusive of all relations, there can be neither religion nor justice unless man knows himself as both an animal and mind creature of nature.

(3) He discerns the laws of nature that govern his individual being in all reciprocal relations of rights and duties; for under the prescriptions of both natural law and religion, there can be in justice, no right without its obligation.

(4) Nature's moral code is imperative, and its justice knows not the grace of religion that sometimes would dull the edge of the sharp steel of *lex talonis* justice.

(5) All associations are religious which are organized in the belief of the fatherhood of God and the brotherhood of man for making manifest on earth the spirit of truth and goodness and of tolerance, conciliation and understanding in human relations.

(6) But the social values of church organizations have not always been

commensurate with their exalted protestations of human endeavor. The gibbet and stake, and cultures ever seeking to impose one form of religion on the believers of other creeds, admonish that religious organizations in over-zeal may destroy the equilibrium of the whole society.

(7) Religious hierarchies and their conflicts of fanaticism have led the many causes of societal discord, because of the universality of religious experience, the assumption of every organization that its dogmas are the only true revelations of God, and since religious needs have dominated all other human interests.

(8) Emotional religious stirrings are accentuated when to divine revelation is added the conviction of color or race superiority, the admonition of race purity or the prophesy of ultimate dominion over all peoples of a race or of a hierarchy in apostolic succession or of an appointed vice-gerent of the divine.

(9) Tolerance should soften and understanding reconcile the conflicts of opposed interests and purposes; not, however, for the superficial reason the martyr's complex induces the consciousness of persecution, that eventually leads to a reaction of vindictive retaliation and of excuse for the use of evil means in evasion of or to overcome the barrier prejudices. But fundamentally, for the reasons: a pure race is unknown to biology; science has demonstrated the error of assuming purity conduces to race superiority; modern thought attributes to the interests and needs of a past level of human experience man's futile efforts to discern the divine choice or to realize a revealed destiny; and ineluctably, because the favored zealot of today's revelation tomorrow may become the victim of the prejudices and reprisals of a new interpretation of divine favor.

(10) Through all recorded time, every nation of world power has passed through its self-extolling phase of being the chosen of God, only to be abased and scattered over the earth. Humanity has yet to realize the eternal sameness and one source of all religions; and that the dominance of religion in governance is not the authority of dogma or creed, but is the

ultimate supremacy of justice under moral law as the reason of man discerns it.

(11) The sun rising from the sands of solitude, and passing with the dawn into the canopy of star-studded skies, forced man to contemplate his universe with a cosmic attitude of mind that became impersonal in his beliefs.

(12) A land and sky, not chance, then gave such purpose to our minds and habits of life as to evolve, in larger understanding, the great religions of mankind from the cradle soil of the East; and so it is the creative human mind alone that can and will lead all peoples to the conception of a universal religion that makes justice the creed, and its realization everywhere the faith of humanity.

Chapter Three

RELIGION AS FUNDAMENTAL OF CIVILIZATION

ALL RELIGIONS being born of the same external surroundings and similar inward aspirations have in common and in varying degrees four profound truths: (a) The inter-relation and interdependence of man and his God; (b) the suppression of the desires of animal sensuousness and the purposive development of the higher levels of mind; (c) a spiritual aspiration to overcome and to mold material interests; and most significant in group development, (d) a consciousness that social organization results alone from the self-discipline of the individual and its creation of the dominating purpose of a worthy character.

But religion has yet to forget the fear that inspired its votaries to propitiate an evil deity powerful to destroy. Civilization never really began until the Persian Zoroaster, in the splendor of a belief as golden as the Christ rule of conduct, taught the wisdom and instilled the duty of worshipping the goodness that Mazda had conceived as universal in the human mind.

Some writers make Satan the servant of Jehovah and the adversary of mankind, but it was the Christ identity of the kingdom of God with the creative mind which has given to mankind the foundation truth that both physical and moral energies encompass us, ruled by the same laws of nature, and which cannot be violated without evil effects to every living or inanimate thing within the radius of its influence.

It is this Jesus teaching of individual goodness and responsibility in realization of human justice, and of which the mind of every man is the master, that is now coming to the heart conviction of humanity as the

consummation of its search for a religion of justice, which makes every man reap what he sows of good or evil, and takes from none his harvest share of the material or ethical goods, which he plants and cultivates.

Man has yet to learn the fundamental truth that religious or political or economic mechanisms are not the causes, but are only the means to aid harmonious group associations, and that the enduring base of every religious, political or social structure for his betterment is grounded upon individual character and the eternal verities which the religions of Abraham and Moses, and of Mohammed, Buddha, and Jesus seek to inculcate.

Man must become less the animal and outlaw before he can become one of a social group, which in turn, can improve only as the individuals themselves are induced by religion and are taught by education the better to satisfy their strings for understanding and justice.

In the conflicts of group interests, the futilities of individual efforts and chaos of economic tendencies, and in the frustrations of human life and the discords of social relationships, Western and Eastern cultures of civilization and through it one world organization, need a spiritual leadership that both aspires to higher levels of individual thought and action and realizes social justice in group coordination. Individual happiness and the general welfare, however, can be attained not so much by sanctions of justice, which restore status and coerce the outlaw to order, but only through the individual's mastery of himself by means of the constant choice of right interests, cultural desires and social wants.

The nations of Europe and of America profess the Christian religion, but the profound wisdom of the philosophy of the Teacher will come to them, and through them to mankind, only when in the individual consciousness is aroused the conviction: That his will not become the full life until he understands the creative wisdom and realizes the happy duty of applying the foundation lesson of the Christ, with confident faith and persistent practical purpose, to his own individual conduct and to all problems that confound the nations and perplex all peoples in world relations.

The human mind is the energy that unifies the conflicting impulses of

the physical body, and the fundamental psychic fact of individual creative control must become the principle that exalts men and harmonizes and humanizes all groups and nations. It is the moral and spiritual foundation on which the individual must build his purpose and ultimately must rest the governmental structures and economic organizations of free peoples, their moral life, group welfare and social justice. Only the individual can save himself and his social institutions by the wisdom that idealizes a human character whose life and teachings partake of the divine.

Chapter Four

ETHICAL, POLITICAL AND ECONOMIC DETERMINANTS OF CIVILIZATION

THE REACTIONS of our minds to material conditions and the inter-action of environment and mind determine the fate of our faiths and the future of humanity. The human mind develops and civilization progresses only when something stops or is able to change the continuous flow of vital processes or frustrates habitual behavior; and we master the menace or overcome the impediment to the attainment of higher levels of thought and standards of conduct.

The significance of a crisis then lies in confirmation of the fact that mankind is still forward-facing and upward moving. The mere existence of an obvious peril in human development is of small concern; what matters is the attitude of mind with which the individual or nation meets the portentous evils that challenge human efforts.

Man has faith in himself; and the miracle of his existence is the transmutation of inorganic elements into an organism and its transformation by mind into a personality of ascending levels of intellectual and moral worth, since his strivings are eternal. It is this conscious seeking in the dignity and confidence of purposive achievement that differentiates man from all other forms of life and is a primary cause of his civilization.

He enjoys the satisfaction of self-realization when he feels his life efforts are devoted to worthy and just purposes; tragedy, however, stalks and man becomes the victim of his fate, if he permits other minds to use his life for purposes he knows to be base or wrong.

Man became emancipated from the domination of environment, the chains of instinct and the regimentations of animal existence, because his mind in dignity has sweetened his work efforts with faith in self-help for self-support and self-development for self-realization.

The cultures of all aspiring peoples followed, in large generalization, similar development. The first records of civilization are of wars of plunder and aggressions against weaker tribe or of defense against less civilized hordes. The racial bloods of the victorious and conquered always commingled in the short interludes of peace, with the emergence of successive higher cultures.

A more characteristic stage of change, however, is found in man's mental effort to soften and subdue animal aggressions by the individual's striving to act like others of his group and by the group's coercing him so to act—i. e., in the search for a rule of conduct that is right because it is instinctive and customary. But a righteous custom or just law can become justice only when it is applicable to all; and so, opportunity to achieve equality of justice is the most significant of all levels of civilization.

It is man's inherent right to act like others, since he seeks individual security by conforming with community customs. Hence, there can be neither custom, law nor justice without liberty in the individual and the equality of all so to act; but justice is not certain merely because the individual is free to act and to demand a general rule of conduct.

Civilization must so devise its institutions as to make them competent to ascertain and to formulate general rules of law with authority and power to reconcile their rigidity with changing concrete facts to the end of justice. This is the fundamental problem of law and its just administration; and these tribunals of law are determined by the conditions of society and the nature of man for whose governance they are evolved.

Primordial men were dominated by the fear sanctions of religion and it was natural that priests, as secular and divine rulers, should become the finders and judges of law as administrators of its justice. Thus, the basic

relation of religion to law and its tribunals is disclosed as an essential of civilization.

While the divine source and sacred aspect of all law become less controlling as man's confidence in his rational processes secularizes positive law and divorces its tribunals from religious votaries and rites, there never can come a time when the great fundamentals of religion will not influence, if not dominate, the conceptions of human law and the characters of those who embody its justice. For the everlasting goods of religion and principles of justice under law are the enduring convictions of a providential Power that creates and directs all cosmic energy and the final rule of supreme goodness and righteousness on earth among men; and so, the faith abides that forever Milton's profound words will admonish mankind—

“YET SOME THERE BE THAT BY DUE STEPS ASPIRE
TO LAY THEIR JUST HANDS ON THAT GOLDEN KEY
THAT OPES THE PALACE OF ETERNITY.”

Chapter Five

THE DEBACLE AND A VISION

TIME HEREIN HAS been discussed with reference to the continuity of human development; and this only to interpret, but not to try to foretell events. The current changes, however, have been so frequent and epochal as to make it necessary, not only here to record what truly may be regarded as one of the most momentous debacles in the story of human struggle against wrongs; but also to reaffirm our faith in man and to avow our confidence in his ultimate justice. For mankind is at Armageddon; and here must be fought, "on the great day of God," the decisive battle between forces of good and evil.

The preceding pages tell of the highest level ever attained by man, when for the first time he used his latest invented mechanism in search for justice to maintain world order and freedom against an aggressor nation. When the United Nations ordered its armed forces into North Korea, every one of its free nations saw behind that puny outlaw, the armed Marxists of China massed in Manchuria and behind those satellite Mongol hordes was discerned the might in war of the Russian autocracy.

When our allies answered the call to arms of the United Nations, American troops entered Korea, its Navy patrolled the waters between China and Formosa and all the free nations of the world believed then was made the beginnings in realization of the great experiment of the human race for that universal order and those world freedoms of which England dreamed, and the British Commonwealth of Nations with America, for three centuries of daring purpose have striven to give to all peoples.

But strange are the ironies and puzzling the frustrations governments can put in the path of victory. Without a defeat the forces of the free nations drove back the North Korea outlaw to the borders of Manchuria. There,

confronted with the armed power of Marxist China and the real threat of Russian aggression, adequate military support being withheld, the United Nations' has become an army in orderly withdrawal over territory a few months before it had conquered.

The American Constitution grants to Congress the power to ratify treaties and to declare war; and it alone may order our armies to specific war action with or against another nation. There is no present treaty or formal declaration that empowers the President, or the United Nations, to send American land, air or water armed forces to fight anywhere for any cause. But, this does not mean that in the emergency of an outlaw aggression, American arms forthwith may not be sent to Europe or Asia, or wherever needed to save the sacred freedoms of western culture against ruthless Marxists aggressions. For neither the British Commonwealth of Nations, nor America, nor the United Nations dares now, or ever, deny its primary obligation, or evade their jointly pledged duty to aid in every way the consummation of mankind's one fixed determination to preserve world order and the freedoms of man everywhere through the military power of the United Nations which they have created for that sole purpose.

Minds differ as to the cause and purpose of the withdrawal of our forces from North Korea—whether of strategic design or a deplorable blunder thwartive of the paramount purpose of the United Nations to preserve order and freedom under the Charter sanctions of its military power. They may disagree also as to the most efficient kind of force to stop the aggressions of Russia—whether by ground forces or by predominant air and sea forces massed in Europe for its defense against Russian attack, or also prepared to defend the free nations of the East against any aggressor nation.

But however superior the atomic power of the Western Nations over Russia, it avails nothing unless nations or the United Nations courageously make this their decisive weapon of defense when or wherever military strategy requires. America early joined England in the first experiment for world order and is a member of the Atlantic Pact for defense of all free nations against any aggressor. But the Western nations have created the

United Nations as their ultimate mechanism to avert war by conference and compromise of international disputes, or failing amicable settlement, finally to invoke its sanctions of war.

Since the veto of Russia may bar the use of United Nations' arms against an outlaw nation and the Assembly of the United Nations may lack the required vote under its Charter to compel war action, the peril is obvious, if not imminent, that the United Nations might not be able to function in furtherance of its purpose; and if so, it cannot survive and separate or allied nations must defend Western culture and so preserve world order.

At this time, however, of cross currents of blunders, outlaw and zealot aggressions and treasons, the designs and purposes of profit in world trade, commerce and industry may become the real menace of *appeasement* to the defeat of all for which the United Nations stands in the doing of world justice. The survival of the United Nations is the delicate issue of civilization; for it ignobly can destroy itself by being false to the purpose of its creation. The conscience of America must repudiate this organization as the custodian of world order, if ever it barter its freedoms for trade with the Marxists of China or elsewhere.

Dark are now the clouds that overcast with deep shadows the earth life of man; and he is bold who dares guess its future. But however confused the present or perplexed as to the future, he will not despair of mankind's destiny who knows the experience of the race or recalls the achievements of the human mind, or of vital import, *has held always in mind how justice is done finally in world affairs*. For his will be the constant vision of a humanly realizable justice at always higher levels, with an eternal confidence that the conscience of humanity eventually will overwhelm man's animal survivals—the wants or interests of individual or group units.

APPENDIX

Letter from Ruby R. Vale to Dr. Waldemar Kaempffert:

November 14, 1949

Your * * * Sunday Times review of science, during the current year, directed attention to a study * * * by Professor Norbert Wiener on "Cybernetics," his new word to define the "entire field of control and communication"—an idea hinted by Hobbes and suggestively outlined by Bagehot.

My book assumes a cosmic energy and seeks to find its humanistic aspects. It's not easy task * * * is to disclose the error of Charles Darwin's dogma of chance and the limitations of his survival of the fittest; and to demonstrate and apply the truth of the concept of purposive change as originally suggested by his grandfather, discerned by Comte and adopted by Butler; and as later profoundly discussed by Ward, popularized by Bergson and by both accepted, with Smuts and Ellwood, as a foundation of their sociological and political thinking.

I have formulated a dynamic evolution as * * * the coalescence of all inter-actions of energy to the consummation of justice—the eternal aspiration of mind and supreme achievement and moral catharsis of life. And now Wiener urges with mathematical formulas and substitution of a machine for intelligence, which to me is meaningless, but with apt analogies of vital and inorganic manifestations, which are deemed confirmatory of * * * the "steersman" control of the phenomena of all of the sciences.

At the risk of abusing your * * * time, may I refer to the pragmatic aspects of my treatise. * * * Told that centuries would pass before distributed profits could be deductible in relief of confiscatory taxation as production costs or before their just sharing as deferred compensation would give security to the workers, mine is now * * * the satisfaction of a hope

realized. For within three years after its publication, the 1943 incentive amendment to the Federal Revenue Statute has inspired so generally employers to formulate profit sharing plans that the periodicals of America * * * began to urge their voluntary adoption by employers as their greatest opportunity. But this has not been accomplished without its mischievous sequel; since now * * * every demand of workers on strike ends with a pension charged on production, instead of *an annuity based on the profits distributed as flexible deferred compensation, safeguarded and administered under law as a trust fund.*

We are here pondering the fundamentals from which the conflicts of ideas and human interests and the struggles of mankind, have stemmed—the antithesis of chance and purpose, of power and understanding, of violence and conciliation, of authority and individual freedom and of outlawry and justice under law.

Letter from Dr. Waldemar Kaempffert to Ruby R. Vale:

November 17, 1949

Many thanks for your letter of November 14. * * *

I fear that you greatly overrate me. My training has been that of a physicist and engineer, and it is only within the last ten years or so that I have plunged into the social sciences, chiefly because I felt that [a] natural scientist unjustly viewed them with something like disdain and because we shall not be able to make the fullest use of the natural sciences until we have developed a rational sociology.

I must confess that I have not yet read the three volumes you have sent me in 1941 with anything like the thoroughness that they deserve. But I have referred to them often in connection with other work by way of collateral reading. I agree with much of what I have read but also violently disagree with much more. I promise to follow the instructions of your Memorandum when Justice arrives.

Important as cybernetics is I do not think that Professor Wiener is help-

ing us very much with his optimistic picture of a machine which will perform some of the functions of the nervous system. There will never be any substitute for human intelligence or human emotions.

When you say that your book "assumes a cosmic energy and seeks to find its humanistic aspects," you realize, of course, that you are following a trail already blazed. In Newton's day it was not the fashion to talk of cosmic energy. But he probably had something like it in mind when he suggested that the universe might be a thought in the mind of God.

As for Darwin, he has withstood the fire of statistical and biological criticism remarkably well. Davis has shown that chance does play an enormous part in survival. In other words, the lucky survive as well as the fit.

Some biologists believe, as you do, that there is a purposive change in evolution. We have for example what is called orthogenesis and the late Fairfield Osborn's artistogenesis. A brilliant mathematical friend of mine, Dr. Alfred J. Lotka, wrote for Harper's years ago an excellent article in which he showed that there is what he calls "bias" in evolution. In other words evolution has purpose and direction. Biologists are still wrangling about the matter.

There is a new book which I have tried to read but which baffles me, though I do catch a glimpse of what the author has in mind. It is L. L. Whyte's "The Unitary Principle in Physics & Biology." I think his mind runs in about the same channel as yours, though he does not cover so broad a territory. Moreover, he writes as a physicist rather than as a humanist.

On the economic phases of your first three volumes I have nothing to say, except that your proposals seem to me sensible.

Letter from Ruby R. Vale to Dr. Waldemar Kaempffert:

December 15, 1949

Appreciative of your suggestive letter of the 17th ultimo, my delay in answering it will be explained in a later paragraph.

I am particularly grateful for the sentence: "I agree with much of what I have read but also *violently disagree* with much more". * * *

Prefacing what here follows, may I repeat the foundation of my thesis in that Justice, as the ultimate manifestation of energy is a mind aspiration creative of a moral, as the offset of a solely mechanized universe. Let me also recall that my chapters on Creative Moral Power and Forums of Justice (pp. 940-953) develop (a) the basic antithesis between him who is willing to be ruled and him who must be free, by contrasting the *authoritarian* enforcement of an *absolute* with the still small voice that dictates the good *conscience*, and is similar in energy and function to *meaning* which the mind gives to human interests and actions (pp. 946-48); that (b) the *nation-state* as a mechanism of justice serves only the utilitarian present; and (c) in large vista it is *civilization* that is the universal forum of successive cultures at higher levels in the evolution of justice at every level, with its aspect changing as new conditions emerge from the old (pp. 948-53).

(1)

Disavowing any pride in the priority of ideas * * * I may * * * accept Newton's assumption of a mechanical cosmos as "the manifestation of the *thought* of God," with, however, a denial of his anthropomorphic conception of deity and my avowal of a confidence in a moral universe, not stated by Newton. * * *

The first three chapters of Part V of my discussion on justice and law—natural, divine and higher—maintain the dogma of a basic "energy process, which * * * under the control of mind," directs man's destiny; and while acquiescing in Browne's, and later Newton's, conclusion of mind as "a piece of divinity," does not accept their assumption that mind "was *before* the elements." But to the contrary, postulates a process of relations and interactions among the elements as the manifestation of energy at successive levels of atoms to galaxies and of cells to man of creative mind, with its ultimate aspiration for justice.

The order of Newton's mechanical universe under the primary law of his man-reflected God, ignores the ethical as an aspect of the laws of nature. The personification of goodness as God and the aspiration for justice

in continuity are the mechanisms of a moral universe, which the mind creates in the adaptation of man to his world under laws that govern the processes and every manifestation of energy.

Bagehot and Hobbes suggest, but Parts IV and V of my book seek to demonstrate a physical and a moral order based on the same laws of nature and, discerned by reason, as the only foundation on which can rest the relations and interests of men to the ultimate solution of the problems of their adaptation and welfare and of their justice under laws for humanitarianism.

(2)

My desire to finish reading Simpson's "The Meaning of Evolution," published months after my volume on Justice, explains my delay in answering earlier your letter. With you, he concludes Charles Darwin "has withstood the fire of * * * criticism"; and so, cavalierly dismisses those who in my words "postulate a purpose energy as the creative force of all levels of evolution" as "vitalists" who, in Simpson's opinion, persist in their "lazy" "abandonment of causalism."

He repeats with iteration what by me is urged as the "either/or" fallacy of the scientists, but himself becomes the enmeshed victim of convenient reasoning by ignoring the basic laws of nature; which I have attempted to postulate as the foundation or determinant tendencies causal or directive of evolution or trend of change. Instead of following *through* the foundations of change, fitness and equilibrium and the fundamental laws of unity, uniformity and conservation as *causal of all* manifestations of energy at *every* level, Simpson clings to Charles Darwin's blind chance coalescence of elemental atoms as the *beginning* of life and of its final emergence as *conscious* mind. Thus he would make fate and not causal laws of nature as discerned and directed by mind, the highest manifestations of energy, determine man's destiny at the two crucial levels of a developing cosmos.

My understanding revolts against acceptance of a process of change based on laws of nature which impel choice or bias or trend to purposive ends solely of conscious life, and which do not touch or move or affect

the energies of non-life or pre-conscious being—making *both* the results of Darwinian “selection and struggle.” Of course, chance is never absent in the survival of both the good and the evil in both pre-life and pre-conscious existence, but accidents in the physical, and errors or blunders in the mind life should not weaken our confidence in the eternal rule of basic laws and tendencies of all elemental energies.

This problem of all problems which defies certainty of human solution, Simpson, however, does remove from all doubt as applicable to *conscious* life; and so is in accord with the “vitalists” in their repudiation of Charles Darwin’s tooth and claw evolution, the scientific basis of Marx’s polity. But in thus concluding, he, as all who ignore mind as the dynamic energy of creative life, differentiates between “the *old* evolution * * * essentially amoral [and] the *new* evolution * * * including the knowledge of good and evil” (my italics).

Simpson does not refer to Samuel Butler’s “Evolution Old and New,” which one cannot read without the conviction that the process of evolution is the same at pre-conscious as at conscious levels—being a subconscious bias or purposive tendency, which at a higher level emerges into conscious choice to achieve a desired end based on knowledge acquired by mind experience. It would seem an abuse of reason to attempt to differentiate between *organic* and *human* evolution, for both are aspects of vital development wherein mind at different levels is the creative agency in the evolution of man in a purposive adaptation to his environment.

The time again has come for some clear thinking on the meaning of evolutionary changes in life, for although Charles Darwin, and now Simpson, have made epochal contributions as scientists, both in the words of Butler have muddied the water; and I know of none better fitted than you to do the work of clarification.

(3)

In closing, I appreciate your approval of my economic proposal. * * *

Within a few months after the suggestion * * * of the only possible impartial agency for the avoidance of violence and the contribution of justice

in conflicts of rights as to the manner of labor's compensation, the report of the Steel Fact Finding Commission was submitted. * * * This document is epochal in that: (a) it has transformed an aspiration for justice into a factual mechanism for its achievement; but in its mistaken recommendation of pensions to workers to be paid wholly by employers, (b) it has carried to the conscience of mankind the momentous issue of justice as to the form and purpose of flexible deferred compensation and by whom it shall be paid.

* * * * *

Increased compensation to a fixed periodic wage should not be a fixed sum or made a permanent charge on production; but should be (1) deferred and flexible, (2) *payable alone out of profits*, and (3) complementary only to the fixed periodic cash wage. It should be (4) in form insurance-annuity and not in lieu but the complement of similar Federal help; and this because old age pension plans, whether initiated by the employer or by the Federal or State Government, too often have been, and in the working of a practical economy, are of illusory security. (5) Moreover, the *whole* burden of providing the necessary funds to pay flexible deferred compensation in any form should not be put on either the Government or the employer; but *initially* should be the contribution of both employer and worker who produce the *profit*, which in justice and sound economy should be the sole source of the compensation. And so, the just burden of flexible compensation should fall *ultimately* on the consumer-public, to whom it is passed by the joint enterprise of the employer and the beneficiary-worker, and allowed by the Government as production costs deductible in the computation of income taxes on net profits.

* * * * *

Letter from Dr. Waldemar Kaempffert to Ruby R. Vale:

December 27, 1949

I find it difficult to follow the argument presented in your letter of December 15. So far as I can discern you are attempting to weave into one

fabric man's moral and physical evolution. Many such attempts have been made, and not one has been successful. Thomas Huxley, you will remember, could not explain man's moral evolution in the light of his physical evolution.

If I understand you correctly you are attempting also to give a scientific explanation of man's sense of morality and justice. Science has no way of dealing with morality and justice. These are matters for the philosopher; the poet and the priest. You also seem to see purpose in the universe. If there is a purpose science again has no way of dealing with it. So far as science is concerned there may or may not be purpose. It simply doesn't know and cannot find out. When Newton wrote on the subject it was as a theologian and not as a scientist. Locke considered him the best theologian of his time. But who reads Newton's theology now?

It may be that the world of external facts is much more fertile and plastic than is commonly supposed. Dozens of cosmologies have been proposed by mathematical physicists. Which is right? The selection must be made in accordance with something in us rather than something in the external world. This brings us to mind. Here the psychologists are of no help at all. I get much satisfaction out of Eddington's "New Pathways of Science," even though he has been riddled by the late Professor L. Susan Stebbing.

I sympathize with your attempt, even though I do not believe that it is the business of science to seek purpose in anything. On the other hand I believe philosophers may well ask if every object of mind is not likewise a means for the realization of further ends. If it can be shown that a thing bears a relation to a more valuable end than itself then purpose may well be an ever more ultimate function than knowledge and feeling, and mind, embracing by this term such knowing, appreciating and purposive activity, must find its total explanation beyond the material world. Man is certainly not content with a cosmos conceived as an organized mass of electrons, neutrons and protons. He wants to grasp far more of the flavor and creative fertility of the universe than science can give him.

I am afraid that all this will puzzle you just as much as your argument

puzzles me. On the whole we are not so very far apart. Our approaches are different. I want to separate science from mind as much as possible, so as to give me scope for a vision of the universe (and the purpose behind it) that is denied me by mathematical physics. * * *

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